



REVISED

Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A **REGULAR MEETING** ON MONDAY, MARCH 25, 2019 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWNHALL, 2231 AVENIDA DE MESILLA.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. CHANGES TO THE AGENDA & APPROVAL
4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.
5. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *:
 - A. *BOT Minutes – Minutes of a Work Session and Regular meeting of March 11, 2019.
 - B. *PZHAC Case 060653 – 2196 Calle de Medanos, submitted by Conrad Estrada of Images N’Iron for Little Fawn Boland; a request to modify an approved zoning permit to allow the installation of gates on the front wall of a dwelling at this address. Zoned: Historical Residential (HR).
 - C. * PZHAC Case 060863 – 2417 & 2419 Calle de Parian, submitted by Davie and Kelly Salas; a request for a zoning permit to allow the construction of short latia privacy fences on patios attached to the two dwellings at the rear of these properties. Zoned: Historical Residential (HR).
6. OLD BUSINESS:
 - A. PZHAC Case 060848 – Southwest corner of Calle de Correo and Avenida de Mesilla, submitted by Ruben Contreras for Brittany Bloch (“Black Rat Tattoo”), a request for a zoning permit to construct a small commercial building and a casita on a vacant property at this location. Zoned: Historical Commercial (HC).
 - B. For Approval: Ordinance 2018-03: amending Chapter 6.05 Animal Control. – *K.C. Alberg, Marshal.*
 - C. Resolution 2019-01: A resolution establishing a schedule of fines, fees and penalties per MTC (Mesilla Town Code) Chapter 6.05 Animal Control. – *K.C. Alberg, Marshal.*
7. NEW BUSINESS:
 - A. Resolution 2019-03: A resolution declaring an emergency of the water system for repairs to be completed in the Raasaf Hills area. – *Nora L. Barraza, Mayor. (ADDED 3/22/19 @ 2:44 PM)*
 - B. For Appointment: A Mayor Pro-Tem to serve for one year pursuant to MTC 2.15.060.
 - C. For Appointment: a representative to serve on each of the following committees:
 - Southwestern Area Workforce Development Board
 - South Central Council of Governments, Inc.
 - Lower Rio Grande Water Users Organization
 - Metropolitan Planning Organization (MPO)
 - South Central Regional Transit District (RTD)

- MPO Technical Advisory Committee
- MPO Bicycle Committee

8. BOARD OF TRUSTEE COMMITTEE REPORTS

9. BOARD OF TRUSTEE/STAFF COMMENTS

10. ADJOURNMENT

NOTICE:

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda packet can be found online at www.mesillanm.gov.

Posted 3/21/19 (REVISED AND REPOSTED AT 2:44 PM ON 3/22/19) at the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramnn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.



**BOARD OF TRUSTEES
TOWN OF MESILLA
WORK SESSION
MONDAY, MARCH 11, 2019
5:30 P.M.
BOARD ROOM**

TRUSTEES: Nora L. Barraza, Mayor (absent)
Jesus Caro, Mayor Pro Tem
Carlos Arzabal, Trustee
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
K.C. Alberg, Marshal
Gloria Maya, Recorder

PUBLIC: Susan Krueger

1. Discussion regarding **Ordinance 2018-03** amending Chapter 6.05 Animal Control.

Mayor Pro Tem Caro opened the Work Session at 5:30 p.m.

Trustee Arzabal asked Ms. Stoechner-Hernandez if she received any feedback from the Trustees.

Ms. Stoechner-Hernandez responded she did not receive anything.

Trustee Johnson-Burick asked if the recommended revisions were made to the ordinance.

Marshal Alberg responded everything that he was aware of was incorporated into the new draft.

Trustee Garcia stated Officer Rivera will be educated regarding bees by the Garcia family; the town will not be charged any fees.

Marshal Alberg stated he wants to make sure there is provision that provides public safety and a mechanism to address the abatement for nuisance. The ordinance is as close to the City of Las Cruces' while blending in the things that are allowed in the Town of Mesilla.

Mayor Pro Tem Caro stated he is comfortable with the proposed ordinance.

Ms. Stoechner- Hernandez stated it will be up for approval at the next meeting.

Mayor Pro Tem Caro asked for comments from the public.

1 Ms. Krueger expressed her concerns regarding the proposed ordinance; recommends getting staff
2 educated. She asked if the Town of Mesilla is capable in caring for cats in any capacity. Felt the
3 ordinance should have been developed with public involvement. It is not a good idea to have it written
4 by an individual who may not have the time or experience to write a solid ordinance. The old
5 ordinance was brought forth by the Marshal at the time.
6

7 Trustee Arzabal stated it was not thrown at them. We did take public input; Trustees were asked to
8 submit questions and concerns. We've been working on this since December.
9

10 Marshal Alberg responded the community cat initiative was written by him. He has 34 years of
11 experience writing ordinances and in law enforcement.
12

13 Mayor Pro Tem Caro stated the public was invited to give input. People do not care to make comments.
14

15 Marshal Alberg responded there was good attendance at the Community Meeting that was held. We
16 wanted an ordinance that would reflect the communities' passion for community cats and the Mesilleros
17 that wanted their personal property respected.
18

19 Trustee Garcia asked if there is a designated area for cats.
20

21 Marshal Alberg responded yes; we have a partnership with several groups as well as a memorandum
22 with the county for both cats and dogs. The Town of Mesilla will foot the bill if immediate action needs
23 to be taken until we do cost recovery through the court. We are spending less money in Animal Control
24 than in years past. Officer Rivera is doing a fine job; making good decisions.
25

26 Closed Work Session at 5:49 p.m.
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3 **BOARD OF TRUSTEES**
4 **TOWN OF MESILLA**
5 **REGULAR MEETING**
6 **MONDAY, MARCH 11, 2019**
7 **6:00 P.M.**
8 **BOARD ROOM**
9

- 10 **TRUSTEES:** Nora L. Barraza, Mayor (absent)
11 Jesus Caro, Mayor Pro Tem
12 Carlos Arzabal, Trustee
13 Veronica Garcia, Trustee
14 Stephanie Johnson-Burick, Trustee
15
16 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
17 K.C. Alberg, Marshal
18 Rod McGillivray, Public Works Director
19 Gloria Maya, Recorder
20
21 **PUBLIC:** Susan Krueger
22

23 **1. PLEDGE OF ALLEGIANCE**

24 Mayor Pro Tem Caro led the Pledge of Allegiance.
25

26 **2. ROLL CALL & DETERMINATION OF A QUORUM**

27 **Roll Call.**
28 **Present:** Mayor Pro-Tem Caro, Trustee Arzabal, Trustee Garcia, Trustee Johnson-Burick.
29

30 **3. CHANGES TO THE AGENDA & APPROVAL**

31 **Motion:** To approve agenda, **Moved by** Trustee Johnson-Burick, **Seconded by** Trustee Arzabal.
32
33 **Roll Call Vote:** Motion passed (**summary:** Yes =3).
34 Trustee Arzabal Yes
35 Trustee Garcia Yes
36 Trustee Johnson-Burick Yes
37

38 **4. PUBLIC INPUT –** The public is invited to address the Board for up to 3 minutes.

39 Ms. Krueger stated the resolution adopts the Open Meeting Act which is done every year. The board
40 cannot pick and choose in the Open Meeting Act. The board frequently discusses items that are not on
41 the agenda. People do not come to meetings because they feel they have a voice or a voice to participate.
42 Items to be discussed should be on the agenda. She hopes the board takes the Open Meeting Act to heart
43 and reads it.
44

45 **5. *APPROVAL OF CONSENT AGENDA –** The Board will be asked to approve by one
46 **motion the following items of recurring or routine business. The Consent Agenda is**
47 **marked with an asterisk *:**

1 Trustee Arzabal requested moving new business, item A to the consent agenda.
2

3 Trustee Johnson-Burick requested removing Case #060848 from consent agenda and holding a separate
4 vote.
5

6 **Motion:** To approve consent agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Trustee
7 Garcia.
8

9 Trustee Johnson-Burick stated she does not understand how this case was approved as the area is zoned
10 HC. They are asking for a “casita” which means house. She referred to the Planning and Zoning notes of
11 March 4th. She does not have a problem with the commercial use of the property but has serious concerns
12 with the residential part and will not support something residential in a Commercial Zone.
13

14 Trustee Arzabal requested postponing item B Case #060848. Requested more research on the case and
15 referred to Air B&B status.
16

17 Trustee Johnson-Burick stated we would be setting a precedent. Reiterated she is not in support of
18 housing in a Commercial Zone.
19

20 **Motion:** To postpone item B Case #060848, **Moved by** Trustee Arzabal, **Seconded by** Johnson-Burick.
21

22 **Roll Call Vote:** Motion passed (**summary:** Yes =3).
23

24 Trustee Arzabal Yes

25 Trustee Garcia No

26 Trustee Johnson-Burick Yes
27

27 **Roll Cal Vote on original motion**

28
29 **Roll Call Vote:** Motion passed (**summary:** Yes =3).
30

31 Trustee Arzabal Yes

32 Trustee Garcia No

33 Trustee Johnson-Burick Yes
34

35 **A. *BOT Minutes** – Minutes of a Regular meeting of February 25, 2019. **Approved by**
consent agenda

36 **B. *PZHAC Case 060848** – Southwest corner of Calle de Correo and Avenida de Mesilla,
37 submitted by Ruben Contreras for Brittany Bloch (“Black Rat Tattoo”), a request for a
38 zoning permit to construct a small commercial building and a casita on a vacant property at
39 this location. Zoned: Historical Commercial (HC). **Postponed**

40 **C. *PZHAC Case 060850** – 2590 Calle de Colon, submitted by Daniel and Maxine
41 Bustamantes; a request for a zoning permit to allow a stuccoed cinder block wall to be
42 constructed at this address. Zoned: Historical Residential (HR). **Approved by consent**
43 **agenda**

44 **D. *PZHAC Case 060856** – 2755 Boldt Street, submitted by Daniel J Jones and Teresa
45 Griffith; a request for a zoning permit to allow the repainting of the trim on a dwelling at
46 this address. Zoned: Historical Residential (HR). **Approved by consent agenda**
47

48 **6. NEW BUSINESS:**

BOT ACTION FORM
ZONING PERMIT 060656
[PZHAC REVIEW – 3/18/2019]
STAFF ANALYSIS

(Decision was based on information presented during the Work Session – Item 5)

Item:

Case 060653 – 2196 Calle de Medanos, submitted by Conrad Estrada of Images N’Iron for Little Fawn Boland; a request to modify an approved zoning permit to allow the installation of gates on the front wall of a dwelling at this address. Zoned: Historical Residential (HR)

Staff Analysis:

The proposed request was discussed in the PZHAC Work Session held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the proposed gates will be acceptable for the zoning of the property, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the Findings stated below.

If, on the other hand, it is determined that the proposed gates will not be acceptable to the zoning of the property, and no other solution can be reached, then the PZHAC should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the PZHAC; or the PZHAC should deny the request based on the request not meeting any or all of the Findings as listed.

Consistency with the Code:

The PZHAC will need to determine that the proposed gates will be consistent with the zoning requirements for this property. Additionally, the PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installation of gates on a wall on a residential property at 2196 Calle de Medanos.
- The PZHAC has determined that the proposed work meets all applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval of the requested zoning permit to the BOT.
2. Recommend approval of the requested zoning permit with conditions to the BOT.
3. Reject the permit.

PZHAC ACTION:

Issues addressed during the work session and the regular meeting included:

1. *Concerns that the gate would extend into the street. (The outward opening gates will only extend to the back of the curb when opened.)*
2. *The inward opening gate would block the clear-sight-triangle on Calle de San Albino and Calle de Medanos. (The top of the gate will actually be below the top of the existing wall.)*
3. *The color and style of the gates will be compatible with the area and the HR zoning of the property.*

The PZHAC determined that the current plans meet the Code, and voted 4 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. **Approve the application as recommended by the PZHAC.**
2. **Approve the application with conditions.**
3. **Reject the application.**

BOT ACTION:

**WORK SESSION
MARCH 18, 2019
ITEM 5**

Submitted by Conrad Estrada Images N'Iron for Little Fawn Boland; a request to discuss a modification to a permit approved 1/16/18 to allow gates to be installed on a front wall of a dwelling at 2196 Calle de San Albino. (Case 060653) Zoned: Historical Residential (HR)

DESCRIPTION OF REQUEST:

The applicant is requesting a modification to a permit issued in 2018 to allow gates to be added to the wall along Calle de Medanos (see attached site plans). The gates across the two driveways will consist of metal panels (as shown in the attached plans) that will either open inwards; or will be set in a single a (eastern gate) or bi-fold (western gate) pattern that will extend about 20 inches past the property line to the curb line of Calle de Medanos when opened (see attached site plans). The gates should not be allowed to extend past the curb line into the street, and should not be allowed to interfere with traffic or parking on the street. Additionally, the gates should be limited to a height of three feet in order to allow for a clear-sight-triangle for each gate.

The gates for the driveways will be constructed of cedar panels painted blue in a rust brown metal frame. (The colors will need to be approved for the Historic District.) The gate for the entryway will be similar to the driveway gates.

The PZHAC will need to determine that the proposed gates will be compatible with the development or other properties in the area, and for the zoning of the property.

CONSISTENCY WITH THE CODE:

The PZHAC will need to determine that the proposed gates be compatible with the historical aspect of the surrounding area, and will be consistent with Section 18.33 (Historic Preservation) of the MTC.

The applicant will be present at the work session to provide further details about the proposed construction of the walls and shed, and will be available to answer any questions that may arise.

PHOTO OF PROPERTY FROM CALLE DE MEDANOS



PHOTO OF PROPERTY FROM CALLE DE MEDANOS SHOWING WEST DRIVEWAY



PHOTO OF PROPERTY FROM CALLE DE MEDANOS SHOWING EAST DRIVEWAY



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type: Account Number Enter Value:

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400293](#)

Parcel Number: 4006137214394

Owner: BOLAND LITTLE FAWN

Mail Address: 35 MADRONE PARK CIR

Subdivision:

Property Address: 2196 CALLE DE

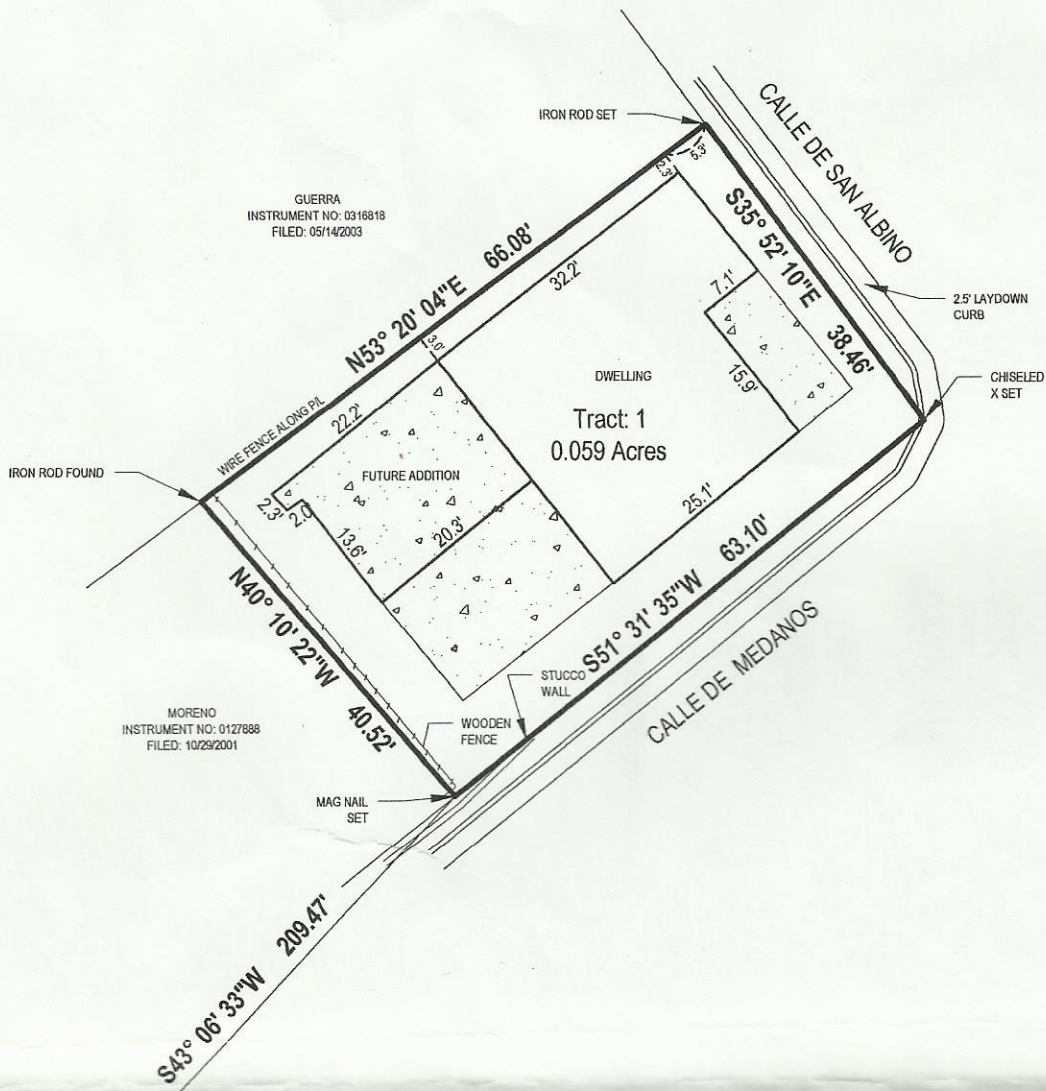
SAN ALBINO

Acres: 0



GUERRA
INSTRUMENT NO: 0316818
FILED: 05/14/2003

MORENO
INSTRUMENT NO: 0127888
FILED: 10/29/2001

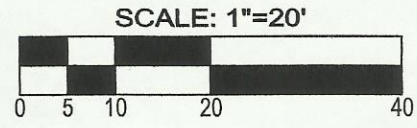


TIE TO AN IRON ROD FOUND AT
THE SE INTERSECTION OF CALLE
PRINCIPAL AND CALLE DE
MEDANOS

NOTES:
FLOOD ZONE "X"; AREAS DETERMINED TO BE OUTSIDE 500-YEAR
FLOOD PLAIN, AS PER MAP NO. 35013C1093 G, REVISED JULY 6, 2016.

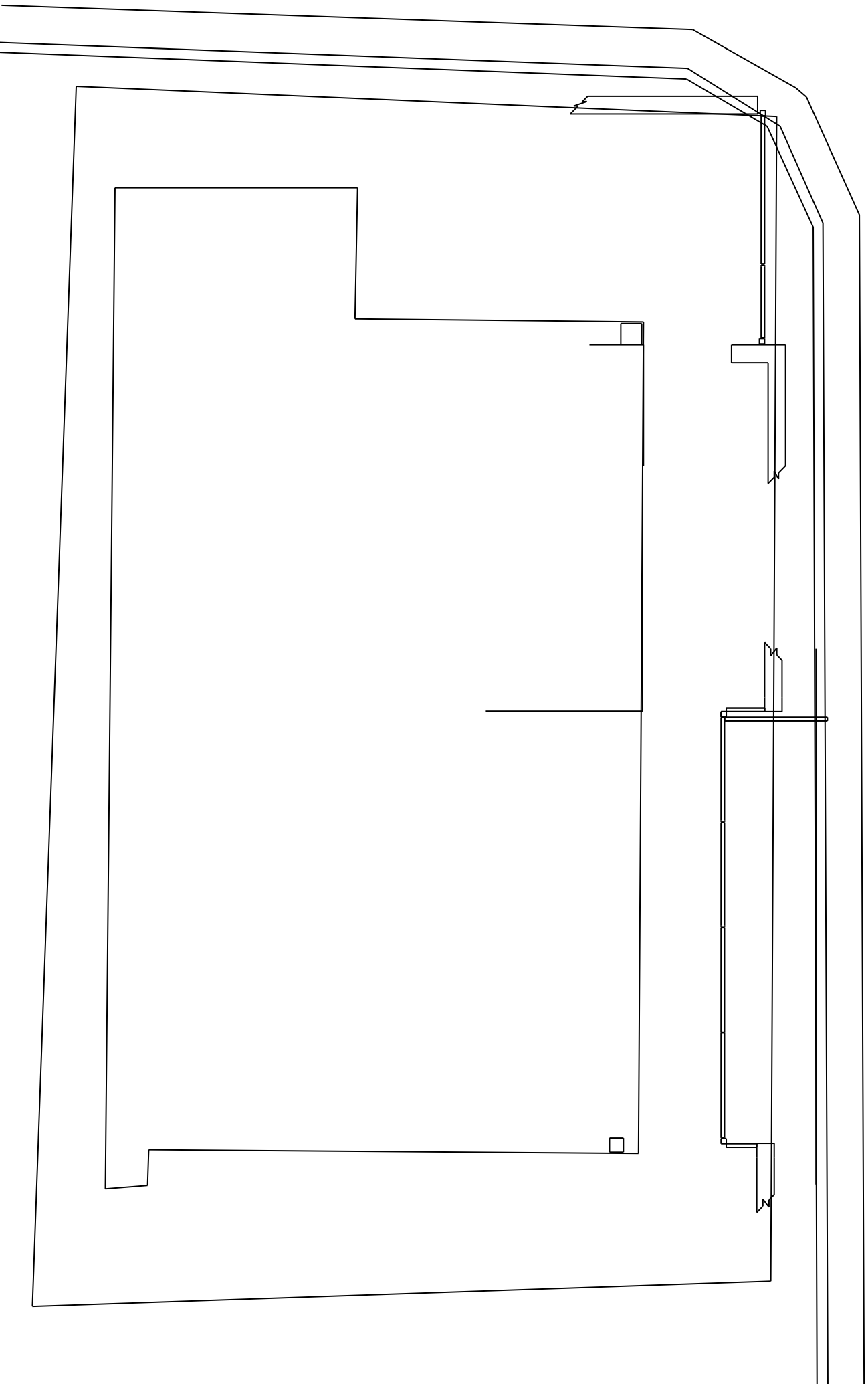
FIELD NOTES BY MOY SURVEYING INC., LICENSE #18078.
ALL CORNERS SET ARE 1/2" IRON RODS WITH 1" PLASTIC
CAPS STAMPED #18078. ALL IRON RODS OR MONUMENTS
FOUND, TAGGED, STAMPED #18078. UNLESS OTHERWISE
NOTED DEED BEARINGS AND DISTANCES AND FIELD BEARING
AND DISTANCES ARE THE SAME.

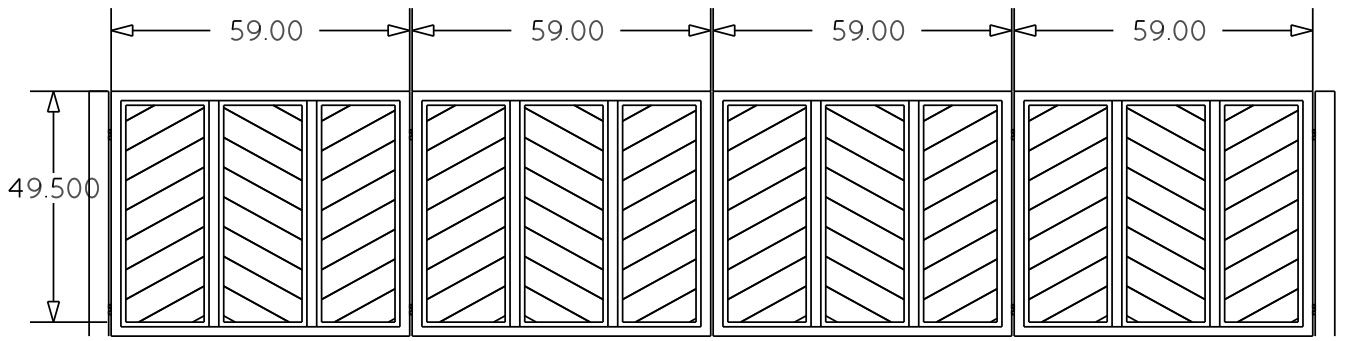
INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES
FROM REAL ESTATE CONTRACT FILED MARCH 19, 2012
INSTRUMENT #1206822, DOÑA ANA COUNTY RECORDS



PROPERTY OWNER: BOLAND LITTLE FAWN
PROPERTY LOCATION: MESILLA
ACCOUNT NUMBER: 4006137214394
PARCEL NUMBER: R0400293

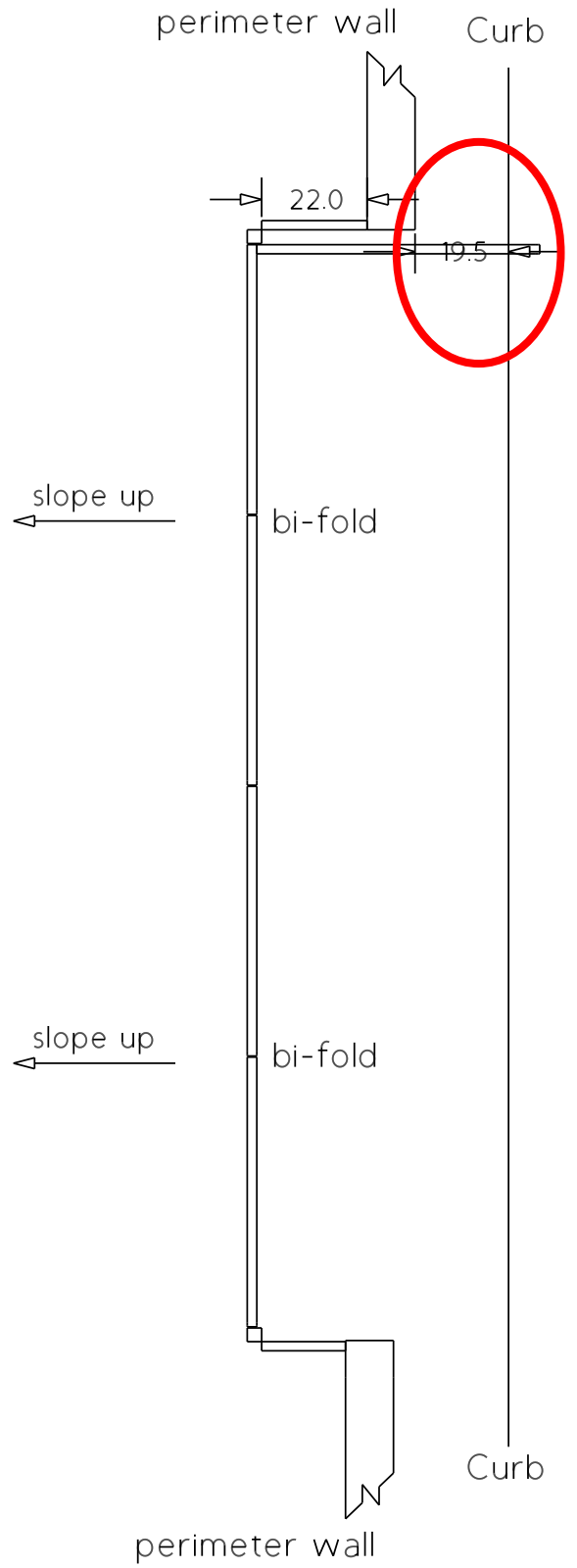
CALLE DE MEDANOS

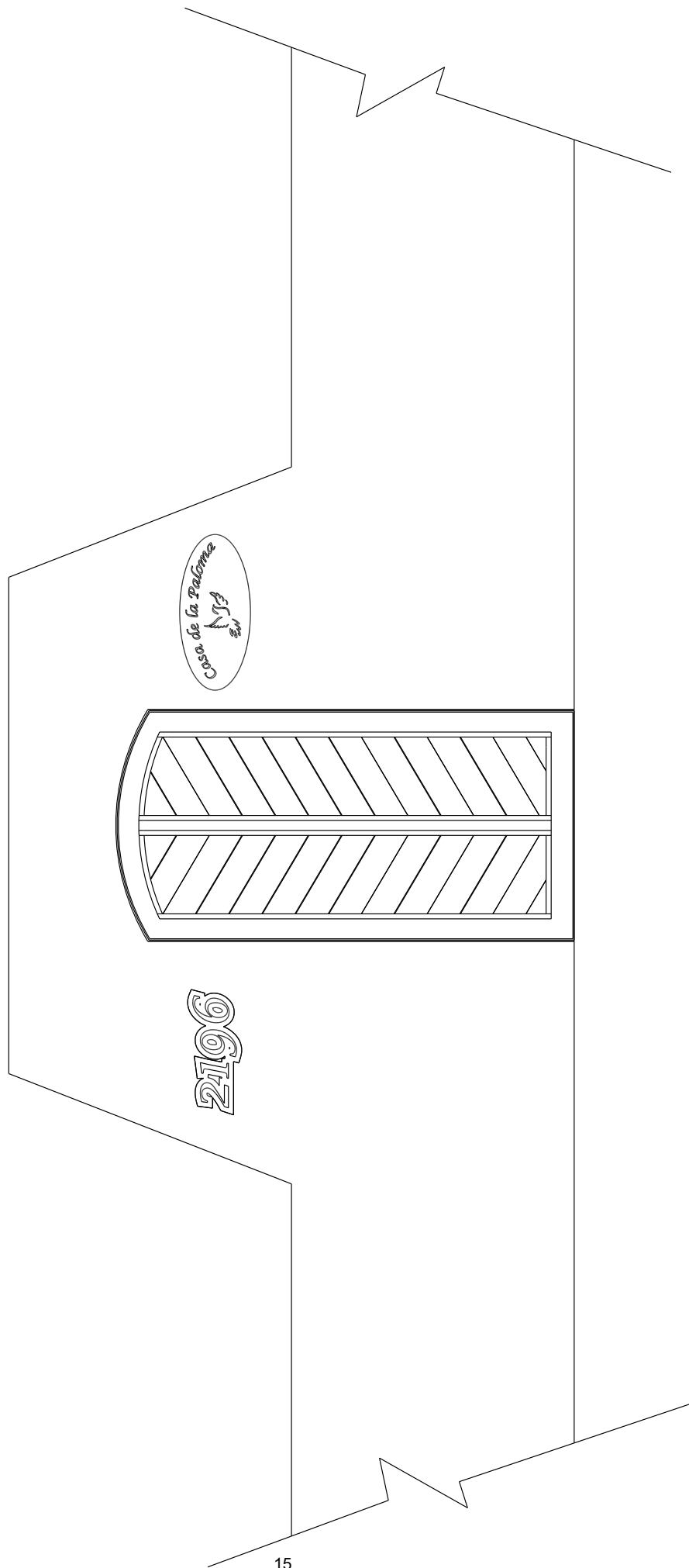


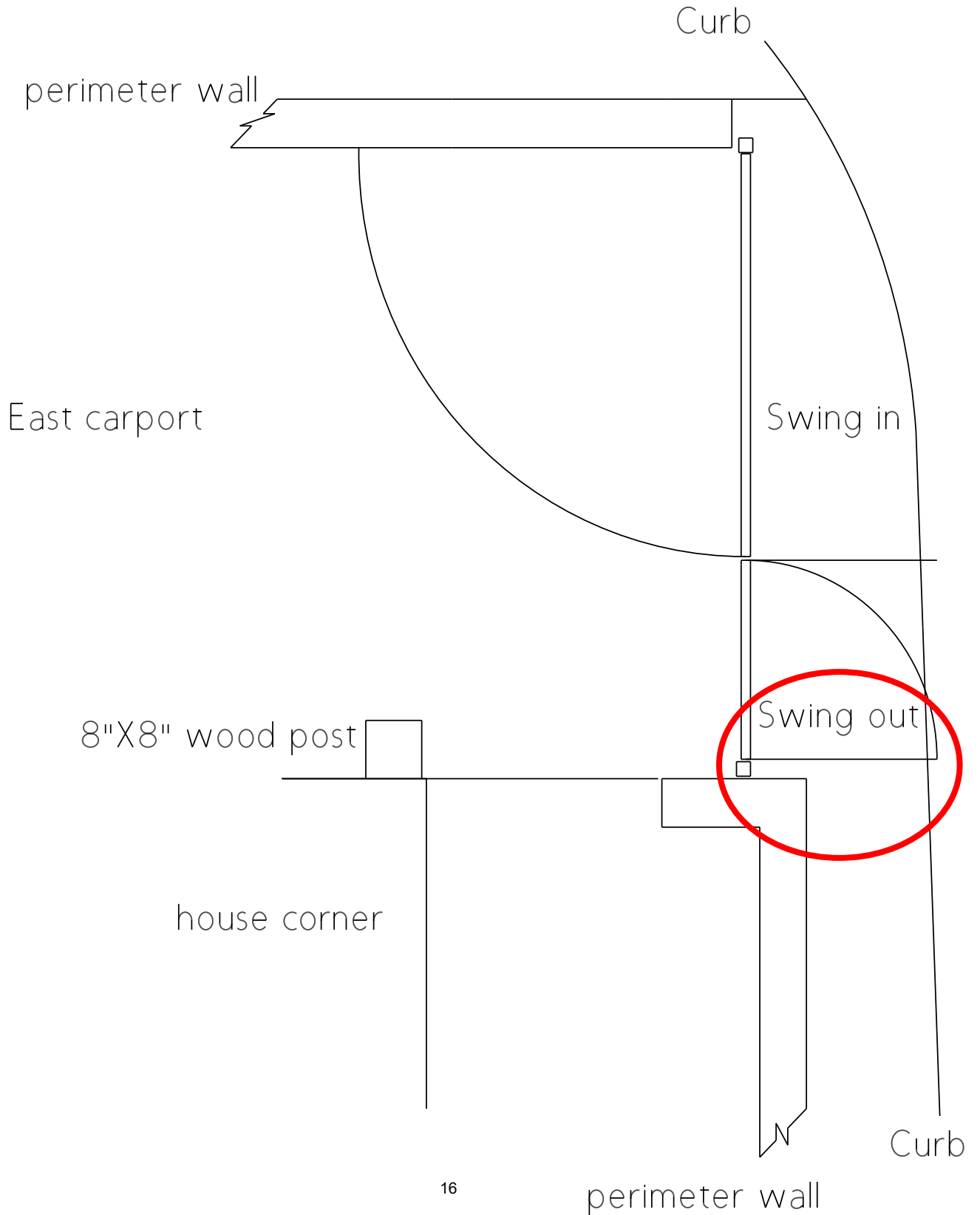
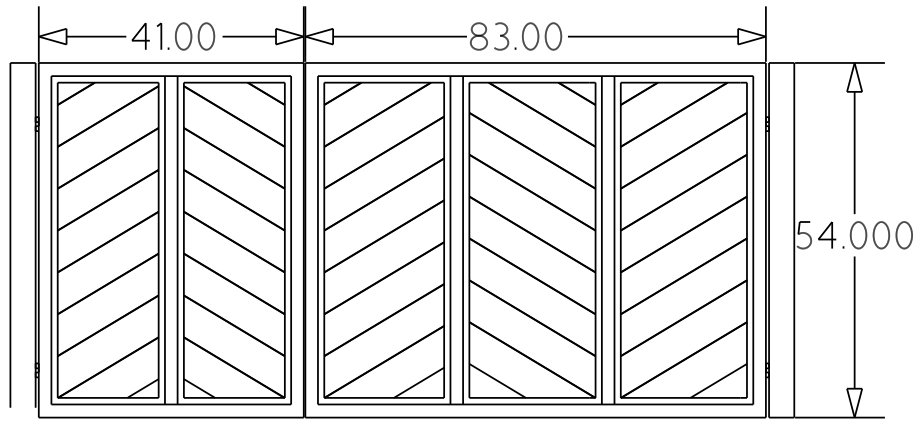


West carport

8"X8" wood post 







BOT ACTION FORM
BUILDING PERMIT 060863
[PZHAC REVIEW – 3/19/2019]
STAFF ANALYSIS

Case 060863 – 2417 & 2419 Calle de Parian, submitted by Davie and Kelly Salas; a request for a zoning permit to allow the construction of short latia privacy fences on patios attached to the two dwellings at the rear of these properties. Zoned: Historical Residential (HR)

Staff Analysis:

The applicant would like to install three small latia fences around porches on two of the dwellings at these addresses (see circled areas on the attached site plan) to provide privacy to the porches. The style of the fences will be similar to (but shorter) the latia fence at the front of the dwelling at 2219 Calle de Parian (see attached photo). According to the applicant, the fences will be less than six feet in height, and will be made of latias on wood or metal uprights. The fences will be constructed to maintain a uniform appearance with the other fences at the front of the properties.

Estimated Cost: @ \$400.00

Consistency with the Code:

The PZHAC will need to determine that the proposed fences will be consistent with the development of properties in the HR district. Additionally, the request appears to meet all other development and application requirements of the Code.

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing three small latia fences on the properties for privacy.
- The PZHAC has determined that the proposed changes meet the Code.

PZHAC OPTIONS:

1. Recommend approval of the fences to the BOT.
2. Recommend approval of the fences to the BOT with conditions.
3. Reject the permit.

PZHAC ACTION:

The PZHAC determined that there were no issues with the request and voted 4 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions.
3. Reject the application.

BOT ACTION:

PHOTO OF PROPERTIES



PHOTO OF FENCE AT FRONT OF 2219 CALLE DE PARIAN



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type:

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400502](#)

Parcel Number: 4006138157034

Owner: SALAS DAVIE C

Mail Address: P.O. BOX 615

Subdivision:

Property Address: 2419 CALLE DE

PARIAN

Acres: 0



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type:

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400499](#)

Parcel Number: 4006138152039

Owner: QUESADA MARTHA

Mail Address: PO BOX 72

Subdivision:

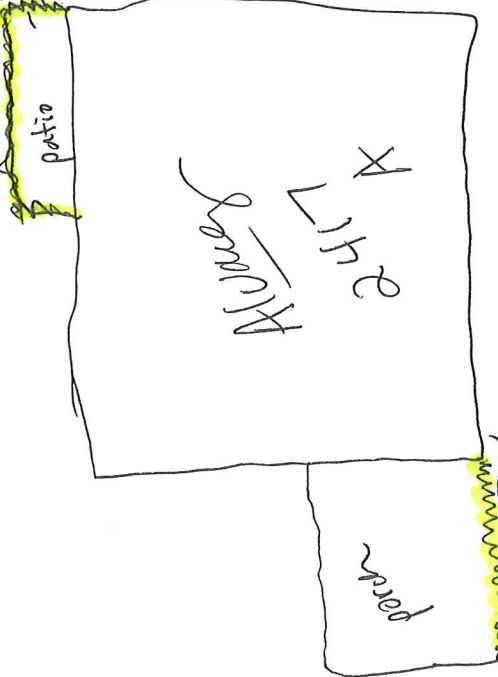
Property Address: 2421 CALLE DE

PARIAN

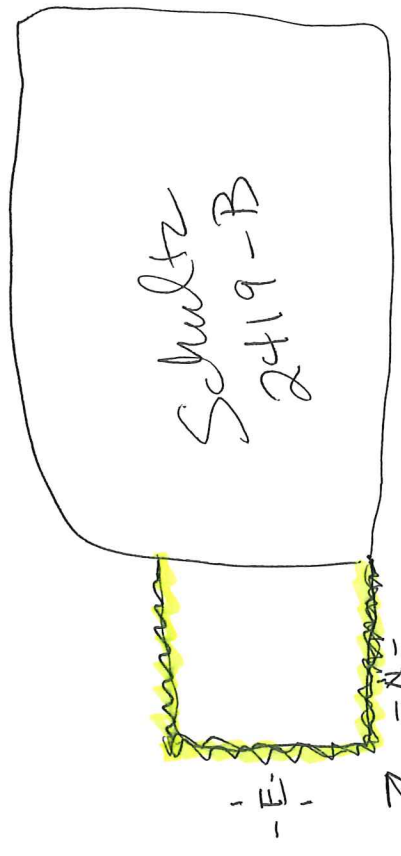
Acres: 0



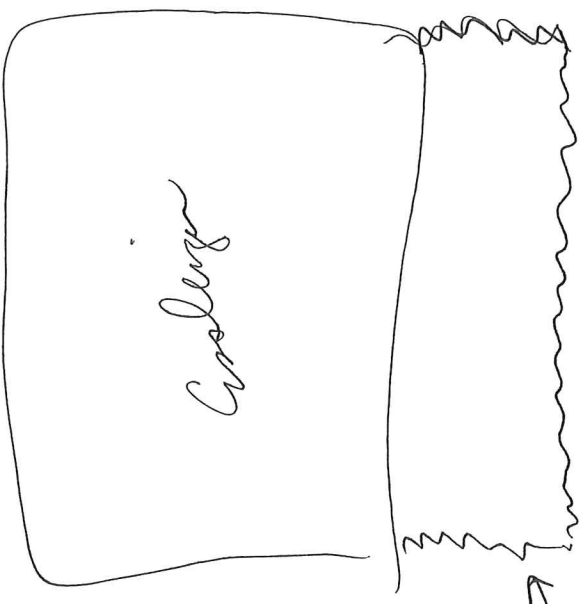
latia fence on southern west face, and east of concrete (possibly) patio for privacy



Want to put latia fence on just north face of patio for privacy



Want to put latia fence on south, north, and east faces of concrete patio



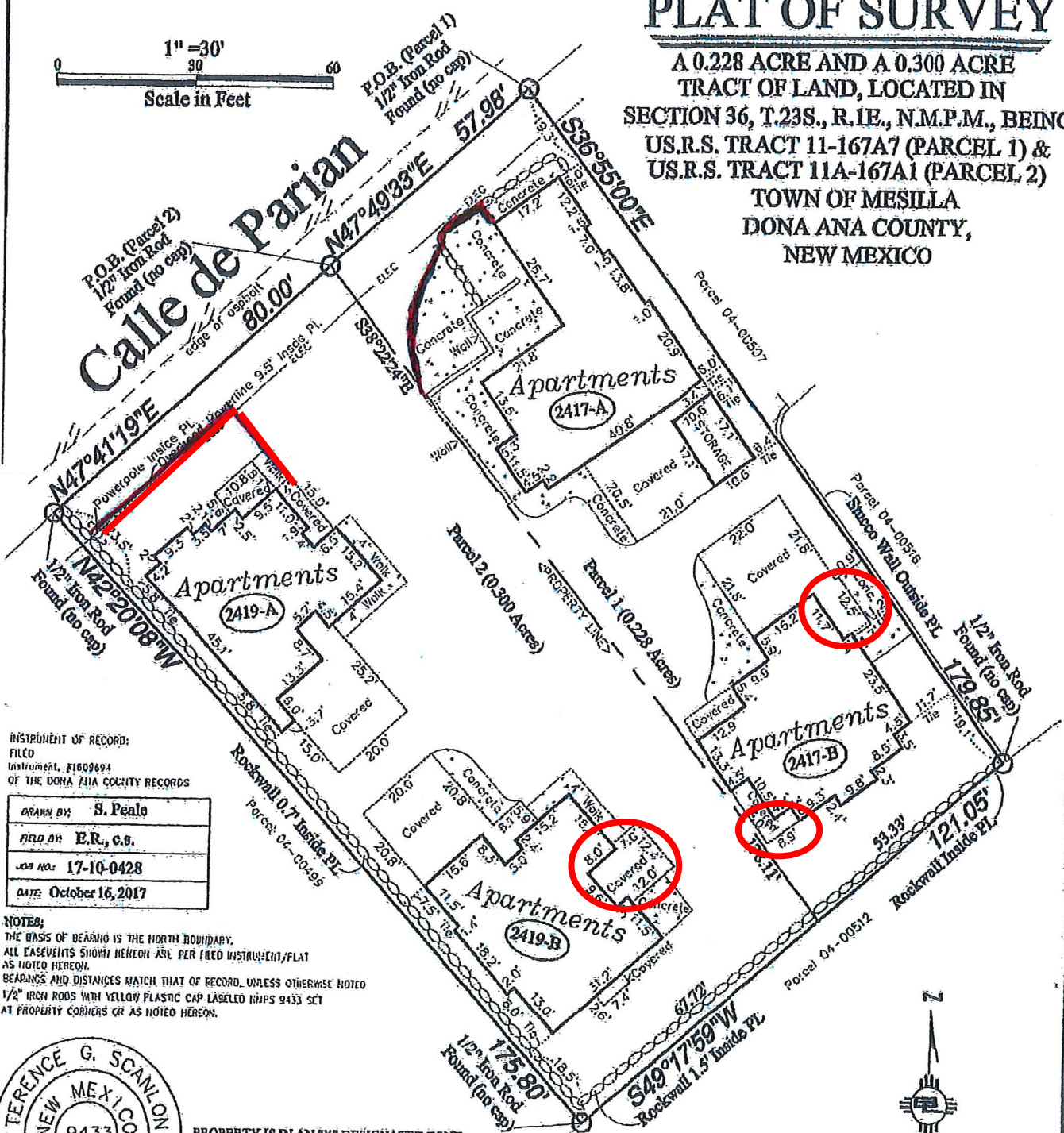
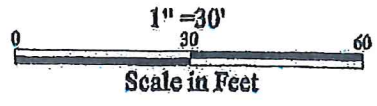
latia fence

existing for visual of same format for back units.

Davie Kelly Sales 575-650-3362 or 575-650-0283

PLAT OF SURVEY

A 0.228 ACRE AND A 0.300 ACRE TRACT OF LAND, LOCATED IN SECTION 36, T.23S., R.1E., N.M.P.M., BEING US.S. TRACT 11-167A7 (PARCEL 1) & US.S. TRACT 11A-167A1 (PARCEL 2) TOWN OF MESILLA DONA ANA COUNTY, NEW MEXICO



INSTRUMENT OF RECORD:
FILED
Instrument #1809694
OF THE DONA ANA COUNTY RECORDS

DRAWN BY:	S. Peale
FIELD BY:	E.R., c.s.
JOB NO.:	17-10-0428
DATE:	October 16, 2017

NOTES:
THE BASIS OF BEARING IS THE NORTH BOUNDARY.
ALL EASEMENTS SHOWN HEREON ARE PER FILED INSTRUMENT/PLAT AS NOTED HEREON.
BEARINGS AND DISTANCES MATCH THAT OF RECORD, UNLESS OTHERWISE NOTED
1/2" IRON RODS WITH YELLOW PLASTIC CAP LABELED NIPS 9433 SET AT PROPERTY CORNERS OR AS NOTED HEREON.



PROPERTY IS IN AN "X" DESIGNATED ZONE, AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C1093 G, EFFECTIVE JULY 6, 2016

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

October 16, 2017
DATE OF SURVEY

[Signature]
TED G. SCANLON - PS NO. 9433
2990 N. MAIN STREET, STE. 3C, LAS CRUCES, NEW MEXICO 88001



TOWN OF MESILLA
 PERMISSION TO CONDUCT WORK
 OR

OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

OFFICIAL USE ONLY:

Case # 060863

Fee \$ 45.00

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 060863 ZONE: MIR CODE: M1 APPLICATION DATE: 3/12/19

Kelly & Davie Salas 575-650-3362
 Name of Applicant/Owner Applicant's Telephone Number

P.O. Box 615 Mesilla NM 88046
 Applicant's/Owner's Mailing Address City State Zip Code

daviesalasa@comcast.net
 Applicant's/Owner's E-mail Address

self
 Contractor's Name & Address (If none, indicate Self)

same as above
 Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

2417-B & 2419-B Calle de Parian, Mesilla
 Address of Proposed Work:

Small section of latia fence attached to house/beam on top of concrete patio on east side of house (2417-B) and (2419-B) - not fully enclosing - only to create some privacy. Similar to fence at 2419-A Calle Parian - but smaller amount.
 Description of Proposed Work:

\$300-400 [Signature] 2-20-2019
 Estimated Cost Signature of Applicant Date

Signature of property owner if applicant is not the property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legal subdivided status of the property are required. **Plan sheets are to be no larger than 11 x 17 inches.**

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval **BOT** Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

FIRE INSPECTION/APPROVAL REQUIRED: ___ YES NO ___ SEE CONDITIONS

CID PERMIT/INSPECTION REQUIRED: ___ YES NO ___ SEE CONDITIONS

CONDITIONS: PZHAC REVIEW & BOT FINAL APPROVAL REQUIRED

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

- This Application will include the following, if checked:
1. ___ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was legally subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
 2. ___ Site Plan with dimensions and details.
 3. ___ Proof of legal access to the property.
 4. ___ Drainage plan.
 5. ___ Architectural style and color scheme – diagrams or elevations (Historical and commercial zones only).
 6. ___ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
 7. ___ Other information as necessary or required by the City Code or Community Development:

OLD BUSINESS

BOT ACTION FORM
ZONING PERMIT 060848
[PZHAC REVIEW – 3/4/2019]
STAFF ANALYSIS

(Decision was based on information presented during the PZHAC Work Session – Item 1)

Item:

Case 060848 – Southwest corner of Calle de Correo and Avenida de Mesilla, submitted by Ruben Contreras for Brittany Bloch (“Black Rat Tattoo”), a request for a zoning permit to construct a small commercial building and a casita on a vacant property at this location. Zoned: Historical Commercial (HC)

Staff Analysis:

The proposed commercial building and casita were discussed in the PZHAC Work Session held February 19. The case was postponed in order to allow the applicant to return to the PZHAC with revised plans for the structures. The new plans were discussed in the Work Session prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the buildings will be acceptable for the property or the Town, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the Findings stated below.

If, on the other hand, it is determined that the proposed buildings will not be acceptable to the property or the Town, and no other solution can be reached, then the PZHAC should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the PZHAC; or the PZHAC should deny the request based on the request not meeting any or all of the Findings as listed.

Estimated Cost: @ \$137,500.00

Consistency with the Code:

The PZHAC will need to determine that the proposed buildings will be consistent with the zoning requirements for this property. Additionally, the PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of the construction of a small commercial building and a casita on a Historical Commercial property.
- The PZHAC has determined that the proposed work will meet all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that the request meets the requirements of the Code and voted 3 – 0 to recommend APPROVAL of the permit to the BOT.

BOT OPTIONS:

1. Approve the requested permit as approved by the PZHAC.
2. Approve the requested permit with conditions.
3. Reject the application.

BOT ACTION:

**PZHAC WORK SESSION
MARCH 4, 2019
ITEM 1**

Submitted by Ruben Contreras for Brittany Bloch (“Black Rat Tattoo”), a request to discuss plans to construct a small commercial building and a casita on a vacant property at the southwest corner of Calle de Correo and Avenida de Mesilla (address to be assigned). (Case 060848, Bus. Permit 0764) Zoned: Historical Commercial (HC)

This case was heard at the February 19 PZHAC Work Session and postponed in order to allow the applicant to return to the PZHAC with revised elevations of the structure. The applicant will present the new drawings at this Work Session. (The following is information that was presented to the PZHAC at the previous Work Session.)

The property, which is 0.24 acres (10454 square feet) in size, is currently vacant, and is being used as a parking lot for parking be Caballero’s Shopping area across Avenida de Mesilla. The applicant has been informed by Staff that water and sewer service would have to be provided to the property in order to develop the property. Staff has not yet seen proof that either utility is available to the property. Access to the property will be from Calle de Correo. The buildings will be located on the Avenida de Mesilla side of the property. The western half of the property will be used for parking.

Attached is a site plan of the property, along with an elevation and floor plans for the buildings. According to the applicant, the style and color of the buildings will be the same, and will be similar to the other historic structures in the area. According to the applicant, the style of the structure will be “Spanish Pueblo”, and is intended to fit in with the styles of other commercial structures along Avenida de Mesilla. (See photos of nearby commercial and residential structures.)

The size of the casita will be about 600 square feet. The applicant intends to rent the casita as a short term rental. According to the applicant, “The residential portion of the site will house a studio residence with a living area, kitchenette, sleeping area and bathroom. The intent of the air b&b is partially to have a place for out-of-town clients to stay when scheduled for a tattoo. The air b&b will also provide accommodate tourists and contribute to the overall economy of Mesilla.”

The commercial building will be about 900 square feet and about 16 feet tall. The applicant proposes to use the commercial building to house “...“Black Rat Tattoo,” a well established professional business in the City of Las Cruces. The space will serve 1 to 2 artists.” A tattoo parlor (“Muerte Tattoo at 2309 Calle de Guadalupe, Suite B) has been an allowed use in the past in the HC zone as a “Professional Office” (Similar uses that have been allowed are “Kneading to Heal” at 2222 Avenida de Mesilla, and “Desert Mountain Acupuncture” at 2488 Calle de Guadalupe.) However, since the building is in the HC zone and many commercial uses are allowed by right in a commercial building, the use of the PZHAC should not grant or deny the construction of this building based solely on the use being proposed at this time. There are other uses that could possibly use the building in the future.

The PZHAC will need to determine that the proposed buildings will be architecturally compatible with the other commercial and residential structures in the area. This includes height, size (proportion) and style. Other commercial operations along Avenida de Mesilla have heights that are or appear to be several feet lower (Ristramann, Adventure Travel) to two stories (Steinborn Realty).

Some of the commercial operations along Avenida de Mesilla are: Steinborn Realty and two short term rentals, Caballero’s Plaza, and Ristramnn (across Avenida de Mesilla); Palacio’s Bar, a dancehall and bar operation that has been at this location since 1936; Chala’s Wood Fired Restaurant; and Mesilla Valley Plumbing (along the west side of Avenida de Mesilla to the south) and Kneading to Heal (along the west side of Avenida de Mesilla to the north).

Compliance with the Code:

Since this construction is in a Historic zoning district, the PZHAC will need to ensure that the following sections of the Code are met:

18.33.060 Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

Additionally, the tattoo parlor (and similar uses) have been allowed in the past by the following sections of the Code:

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

18.40.020 Uses permitted.

Uses permitted in the H-C zone are as follows:

Commercial uses allowed in C zone and residential uses subject to approval of the planning, zoning and historical appropriateness commission upon application and approval of a development plan. [Ord. 2001-04 § 1; Ord. 94-06 § 1; prior code § 11-2-11.5.B]

18.45.020 Uses permitted (C Zone)

A building and premises on any lot in the C zone shall be used for the following purposes only:

Office, business and professional

The applicant or her representative will be present at the work session to provide further details about the proposed construction, and will be available to answer any questions that may arise.

PHOTO OF THE SUBJECT PROPERTY LOOKING SOUTH FROM CALLE DE CORREO



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400376](#)

Parcel Number: 4006137296464

Owner: BLACK RAT TATTOO LLC

Mail Address: 439 LINDA VISTA RD

Subdivision:

Property Address: CALLE DE

CORREO

Acres: 0.23999082



PHOTO OF THE STEINBORN REALTY PROPERTY FROM SUBJECT PROPERTY



PHOTO OF RISTRAMN FROM SUBJECT PROPERTY



PHOTO OF PALACIOS BAR FROM SUBJECT PROPERTY



PHOTO OF PALACIOS BAR FROM THE SOUTH



PHOTO OF MESILLA VALLEY PLUMBING



PHOTO OF CHALAS RESTAURANT



PHOTO OF CABALLERO'S PLAZA



PHOTO OF NEARBY RESIDENTIAL RENTAL UNIT



TOWN OF MESILLA
 PERMISSION TO CONDUCT WORK
 OR

OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

OFFICIAL USE ONLY:

Case # 060848

Fee \$ 217.50

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 060848 ZONE: H-C CODE: _____ APPLICATION DATE: 02/12/2019

Brittany Bloch 575-526-1590

Name of Applicant/Owner Applicant's Telephone Number

439 Linda Vista Road Las Cruces NM 88005

Applicant's/Owner's Mailing Address City State Zip Code

freyja2012@zoho.com

Applicant's/Owner's E-mail Address

RES Construction, Inc. (Ronald Scott) 2000 Bellamah, Las Cruces, NM 88001

Contractor's Name & Address (If none, indicate Self)

575 - 649 - 5425 GB98 License # 395391

Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: Intersection of Calle De Correo and Avenida de Meilla

Description of Proposed Work: The new 1,375 s.f. development is intended to house both a profes-
sional business and a residential (Air B&B studio) on a single parcel zoned as historic com-
mmercial.

\$137,500 02/12/2019

Estimated Cost Signature of Applicant Date

Signature of property owner if applicant is not the property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required. Plan sheets are to be no larger than 11 x 17 inches.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____

Approved Date: _____ Disapproved Date: _____

Disapproved Date: _____ Approved with Conditions

Approved with conditions

FIRE INSPECTION/APPROVAL REQUIRED: ___ YES ___ NO SEE CONDITIONS

CID PERMIT/INSPECTION REQUIRED: YES ___ NO ___ SEE CONDITIONS

CONDITIONS: PZHAC REVIEW & BOT FINAL APPROVAL REQUIRED

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

This Application will include the following, if checked:

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4. ___ Drainage plan.
5. ___ Architectural style and color scheme – diagrams or elevations (Historical and commercial zones only).
6. ___ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
7. ___ Other information as necessary or required by the City Code or Community Development:

**Chapter 6.05
ANIMAL CONTROL***

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA, DONA ANA COUNTY, NEW MEXICO, THAT:

SECTION 1:

Sections:

- 6.05.010 Short title.
- 6.05.020 Authority, purpose and goals.
- 6.05.030 Definitions.
- 6.05.040 Joint agreement with Animal ~~Humane Society~~ [+Services Center of the Mesilla Valley.+]
- 6.05.050 Animal control officer.
- 6.05.060 Animal control authority.
- 6.05.070 Animals to be personal property.
- 6.05.080 Animals running at large.
- 6.05.090 Animal fighting prohibited.
- 6.05.100 Disturbing peace – Prohibited – Nuisance.
- 6.05.110 Impounding strays – Procedure.
- 6.05.120 Livestock, other animals.
- 6.05.130 Licensing and ~~vaccinations~~ [+identification microchip required+].
- 6.05.140 ~~Rabid animals~~ [+Rabies vaccination and exposure requirements+].
- 6.05.150 ~~Vicious~~ [+Dangerous+] or [+potentially+] dangerous ~~animals~~ [+dogs+].
- 6.05.160 Destruction of animals.
- 6.05.170 Housing of animals.
- 6.05.180 Wild animals.
- 6.05.190 Service animals allowed in public places.
- 6.05.200 Restraint of animals.
- 6.05.210 ~~Penning female animals~~ [+Nuisance prohibitions+].
- 6.05.220 Prohibited acts and conditions.
- 6.05.230 Cruelty to animals prohibited.
- 6.05.240 Permitted premises.
- 6.05.250 Violation – Penalty.

1 * Code reviser's note: This chapter, per MTC 9.05.010, is part of the "offense ordinance" of the town. See
2 Chapter 9.05 MTC, Offenses, for definitions and rules of construction for offenses.

3

4 **6.05.010 Short title.** 

5 This chapter may be cited as the animal control ordinance of the town of Mesilla. [Ord. 2007-10 § 1]

6 **6.05.020 Authority, purpose and goals.** 

7 A. Authority. This chapter is adopted pursuant to the enabling provisions of Sections 3-13-3 and 3-17-1 NMSA
8 1978, as amended.

9 B. Purpose. The purpose of this chapter is to establish regulations and general guidelines for the ownership,
10 control, registration, licensing, housing, vaccination, health, safety and care of animals, the impounding and
11 disposition of animals running at large, and the prevention of cruelty to animals.

12 C. Goals. The goals of this chapter are to:

- 13 1. Protect the citizens of the town and their property;
- 14 2. Regulate, restrain and prohibit the running at large of any animal within the boundary of the
15 town of Mesilla;
- 16 3. Regulate the ownership, control, registration, and licensing of animals; and encourage the
17 vaccination of all animals;
- 18 4. Protect the health and safety of animals; reduce animal nuisances; and provide for the control
19 of dangerous or vicious animals; and
- 20 5. Prohibit cruelty to animals. [Ord. 2007-10 § 2]

21 **6.05.030 Definitions.** 

22 The following words, terms, phrases, and their derivations shall have the following meanings:

23 A. "Abandoned" means ~~where an owner has relinquished all right, title, claim and possession of an animal~~
24 ~~with the intent of not reclaiming it or resuming its ownership, possession or enjoyment.~~ [+ "Abandonment (or to
25 abandon)" means to leave an animal for more than 24 hours without providing effective provisions for its
26 proper feeding and care. The term "abandonment" (or "to abandon") does not apply to a person or
27 organization operating a permitted feral cat colony returning cats as part of a Trap-Neuter-Return Program.
28 +]

1 B. "Adoption" means to take possession by choice and assume responsibility for proper care and keeping
2 of an animal in accordance with this chapter.

3 C. "Amphibian" means any organism belonging to the vertebrate class Amphibia (including, but not limited to
4 frogs, toads, salamanders, and caecilians).

5 D. "Animal" means ~~a dog, cat, poultry, bird, reptile, insect, arachnid, fish or any other vertebrate, excluding~~
6 ~~the human species and those animals under the jurisdiction of the New Mexico Department of Game and Fish.~~
7 Any vertebrate member of the animal kingdom, excluding humans. +]

8 E. "Animal control center" or "animal control shelter" means any establishment or facility authorized by the
9 town of Mesilla, New Mexico, ~~for the care and custody of impounded animals.~~ [+that provides a temporary
10 home for a stray or surrendered pet animals until the animal is reclaimed by the owner, adopted to a new
11 owner, placed with another organization, euthanized or otherwise disposed of at the discretion of the marshal;
12 and, shall include any impoundment facility, kennel, shelter, veterinary shelter, lot, premise or building
13 maintained, contracted, or utilized by the town for the care and custody of impounded animals. Facilities
14 operated by private organizations for these purposes may be referred to as an "animal shelter". +]

15 F. "Animal control officer" means the person(s) appointed by the marshal pursuant to MTC 6.05.060 to
16 assume and carry out the powers, authority, duties and responsibilities delegated to him or her by the
17 governing body of the town of Mesilla, New Mexico, in MTC 6.05.060.

18 G. "Apiary" means a location where one or more colonies or nuclei of bees are managed by a beekeeper.
19 [*Lettering adjusted hence*]

20 H. "Apiary operation" means the conduction of any activity where bees are raised or kept for their honey or
21 pollination.

22 I. "Arachnid" means any of the various eight-legged arthropods, such as, but not limited to, spiders,
23 scorpions, mites and ticks.

24 J. "Arachnid operation" means the conduction of any activity where arachnids are raised or kept.

25 K. "Astray" means any animal which shall be off and away from its home, unattended or running at large
26 within the town of Mesilla.

- 1 [+L. "Bee" means all races of the honeybee, *Apis mellifera* L., and other species of the genus *Apis*, that are
2 capable of being managed for the production of honey, wax or pollen, or that are capable of being managed to
3 pollinate plants.
- 4 M. "Beekeeper" means a person who owns, leases or manages bees.+]
- 5 N. "Bite" means any puncture or tear of the skin inflicted by the teeth of an animal.
- 6 O. ~~"Town" means the land area within the boundaries of the town of Mesilla, New Mexico, as may be~~
7 ~~extended by future annexations from time to time, including privately owned land and city, state and federal~~
8 ~~owned land.~~ [+ "Breeding" means allowing, either intentionally or unintentionally, a dog, cat, or other domestic
9 animal to produce offspring.
- 10 P. "Board of Trustees" means the governing body of the town of Mesilla, New Mexico.
- 11 Q. "Canine hybrid" means any offspring resulting from the breeding of a domestic species or breed of canine
12 with that of a wild species or breed of canine, such as a wolf or coyote. Any animal which at any time has
13 been or is advertised, or otherwise described or represented as a canine hybrid, wolf-dog, or wolf hybrid by
14 its owner to an animal control officer, veterinarian, Marshal's Deputy, or official of the department of health
15 shall be considered a canine hybrid for the purposes of this chapter. An animal shall not be judged to be a
16 canine hybrid based strictly on its appearance.
- 17 R. "Cat colony" means a group of feral cats that congregates, more or less, together as a unit; and any cat
18 that congregates with the group shall be deemed to be part of it.
- 19 S. ~~"Cat colony caretaker" means an organization or person or persons responsible for the operation of a~~
20 ~~permitted feral cat colony.~~ "Cattery" means a separate enclosure used to house multiple feral cats.
- 21 T. "Collar" means a band, chain, harness or other suitable device worn around the neck or torso of an
22 animal to which current rabies vaccination and licensure tags can be affixed.
- 23 U. "Commercial apiary" means a location where a beekeeper is required to maintain the minimum number
24 of colonies designated by the Board of Regents of New Mexico State University.
- 25 V. "Community cat" means any unowned, free-roaming cat that may be cared for by one or more residents
26 of the immediate area who is/are known or unknown; a community cat may be or may not be feral.

1 W. "Community cat caregiver" means a non-profit organization or person who, in accordance with a good
2 faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter and
3 medical care to a community cat. However, community cat caregivers are not the owner, harborer,
4 controller, or keeper of a community cat and do not have custody over a community cat. +]

5 X. "Confinement" means the restriction of ~~movement of an animal to the premises of its owner, or to the~~
6 ~~premises of one charged with the care and control of the animal.~~ an animal at all times by an owner or keeper
7 to an escape proof building or other enclosure away from the public.

8 Y. "Contagious disease" means any disease, parasite or anything adversely affecting adult bees or their
9 brood that may be spread from one bee to another bee or from one colony to another colony;

10 Z. "County" means the county of Dona Ana, New Mexico.

11 AA. [+ "Dangerous dog" means a dog "that caused a serious injury to a person or domestic animal", as
12 defined under the Dangerous Dog Act, NMSA 1978, Sec. 77-1A-2, *et seq.*, as amended.

13 BB. "Eartipping" means the removal of the distal one-quarter of a community cat's left ear, which is
14 approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed
15 while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the
16 supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized,
17 microchipped and lawfully vaccinated for rabies, at the time of eartipping.

18 CC. "Emergency measures" means any action taken by the animal control officer, municipal police, or duly
19 authorized designee in order to preserve the health and/or life of an animal or human being, including but not
20 limited to entering vehicles or premises, given probable cause, and detaining the animal to prevent present
21 or imminent suffering to the animal, a human, or another animal.

22 DD. "Estrus" means the period of fertility as it relates to a female animal.

23 EE. "Feline hybrid" means any offspring resulting from the breeding of a domestic species or breed of
24 feline with that of a wild species or breed of feline, such as an African Serval cat. Any animal which at any
25 time has been or is advertised or otherwise described or represented as a feline hybrid by its owner to an
26 animal control officer, veterinarian, Marshal's Deputy, or official of the department of health shall be
27 considered a feline hybrid for the purposes of this ~~article~~ chapter. An animal shall not be judged to be a
28 feline hybrid based strictly on its appearance.

1 FF. "Feral animal" means an individual animal of a domesticated species that is not behaviorally
2 compatible with humans, and is therefore not suitable to serve as a pet, companion animal, or work animal.
3 Feral cats include all cats that by physical aspect and behavior are deemed to be un-owned. ~~and have been~~
4 ~~trapped for purposes of improving public health and limiting reproduction.~~

5 GG. "Fertile" means capable of producing offspring.

6 HH. "Field health office" means the Public Health Office(s) located in each county and administered by
7 the Public Health Division of the New Mexico Department of Health.

8 II. "Foster care site, residential" means any premises on which more than three dogs, three cats, or any
9 combination thereof in excess of three receive temporary care. These animals have been rescued and are
10 in need of permanent homes. These sites have been approved for foster care by the marshal, an animal
11 control shelter, or by non-profit animal adoption agencies in the community, and may be exempted from
12 multi-site residential requirements by the marshal.

13 JJ. "Found animal report" means a written notice submitted to the marshal by the finder of an unclaimed or
14 stray animal, accurately describing the animal and the conditions under which the animal was found, including
15 the location, date, and time. Such a report shall also include the name and accurate contact information for the
16 person submitting said report.

17 KK. "Guard dog" means a dog that is used to ~~defend, patrol, secure, or~~ protect [+commercial+] property ~~or~~
18 ~~persons.~~, but excludes a dog used exclusively to guard livestock.

19 LL. "Harbor" means to allow, either intentionally or unintentionally, any stray animal to linger on one's
20 premises by feeding such animal without making all effective provisions for such animal as required by this
21 chapter. Persons harboring an animal shall be subject to the provisions of this chapter applicable to a person
22 owning or having custody, the care, or control of an animal. The term "harbor" does not apply to ~~a person or~~
23 ~~organization operating a permitted feral cat colony.~~ [+community cat caregivers.+]

24 MM. "Hive" means a container made or prepared that is used as a home by a colony of bees

25 NN. ~~"Hobby breeder" means a small scale dog or cat breeder who owns no more than three breeding female~~
26 ~~dogs or cats (older than six months) that are registered with a recognized registry organization or association.~~

27 [+ "Humane" means to have compassion, benevolence, and sympathy for people and animals, especially for
28 those suffering or in distress.]

1 OO. "Identification microchip" means a small integrated circuit made of inert, biocompatible material that
2 will not disintegrate or rust, implanted via injection beneath the skin of an animal typically in the area
3 between the animal's shoulder blades, and stores a unique, unalterable, alphanumeric code which can be
4 registered to correspond with contact information for the owner of the animal. +]

5 PP. "Immediate control" means direct physical control over an animal by a capable and competent person
6 by use of:

- 7 1. A secure collar or harness and leash for a dog; or
- 8 2. A secure leash in conjunction with a properly fitting harness for a cat or a ferret; or
- 9 3. A secure and appropriate portable animal crate or cage for any animal.

10 QQ. "Impoundment" means the taking custody of a stray, vicious animal or an animal alleged to be vicious,
11 by an animal control officer, municipal Marshal's Deputy, or duly authorized designee, and the detention of the
12 animal in the animal control center.

13 RR. ~~"In season" or "in heat" means a period of time during which a female animal is capable of being~~
14 ~~impregnated or conceiving.~~ "Insect" means any of a class of usually winged invertebrate animals, such as, but
15 not limited to, flies, beetles, moths, bees, wasps, butterflies, grasshoppers, lice, and fleas, having three pairs of
16 legs and a three-segmented body.

17 SS. "Insect operation" means the conduction of any activity where insects are raised or kept.

18 TT. ~~"Kennel" means any person, joint venture, partnership, limited liability company, corporation or other~~
19 ~~business entity that is engaged in the maintenance and shelter of animals not their own for profit, or that is~~
20 ~~engaged in the breeding and sale of animals for profit.~~ [+ "Inspection" means a visual check by the animal
21 control officer of any premises to ensure that no violations of this chapter are present.

22 UU. ~~"Leash" means a chain, strap or cord of sufficient substance to hold under control the animal attached~~
23 ~~thereto and shall be no longer than eight feet.~~ "Intact" means fertile, as defined in this chapter.

24 VV. ~~"Livestock" means horses, cattle, pigs, sheep, goats, rabbits and/or poultry.~~ "Isolation" means the
25 confinement of an animal in an escape proof run or cage so that there is no possibility of direct contact with
26 other animals or humans, except for the minimum contact by humans that may be required to maintain the
27 wellbeing of the animal.

1 WW. "Litter" means a group of one (1) or more young animals born at the same time from the same
2 mother.

3 XX. "Livestock" means all animals that have been domesticated for cultivation and/or domesticated
4 animals that are used for human consumption and includes horses, asses, mules, cattle, bison, buffalo,
5 beefalo, camelids, ostriches, emus, rheas, sheep, rabbits, goats, swine, peafowl, poultry, and farmed
6 cervidae, but excludes canine or feline animals.

7 [+YY. "Marshal" means the chief law enforcement officer and department supervisor of the police department
8 of the town of Mesilla, New Mexico, as defined under the MTC Chapter 2.45, Police Department, as amended.

9 ZZ. "Marshal's Department" The town's police department, as defined under the MTC Chapter 2.45, Police
10 Department, as amended.

11 AAA. "Microchip" means identification microchip, as defined in this chapter.

12 BBB. "Microchipped" means to have had a working registered identification microchip implanted.

13 CCC. "Missing animal report" means a written notice submitted to the marshal by the owner of a missing
14 animal, accurately describing the animal and the conditions under which the animal was last seen, including
15 the location, date and time. Such a report shall also include the name and accurate contact information for
16 the person responsible for submitting said report.

17 DDD. "Multi-animal site, commercial" means any premises on which a combination of eight or more dogs
18 or cats four months of age or older, are kept; or where the business of buying, selling, breeding, training or
19 boarding of such animals is conducted, but does not include veterinary hospitals or facilities operated by the
20 town marshal. Such premises were formerly defined as a kennel.

21 EEE. "Multi-animal site, residential" means any premises on which more than three dogs, three cats, or
22 any combination thereof in excess of three, but not more than seven in number, four months of age or older,
23 are kept and on which premises the business of buying, selling, breeding, training, or boarding for
24 compensation is not carried on, with the exception that the sale of not more than two litters per year for each
25 site shall be permitted. Buying, selling, breeding, training, or boarding of such animals for compensation
26 shall be deemed to be a commercial activity not allowed in a residential area unless otherwise permitted by
27 applicable zoning regulations. Such premises were formerly defined as a kennel.+]

28 ~~DDD. "Municipal police" means the marshal's department of the town of Mesilla, New Mexico.~~

1 FFF. "Neutered" means sterilized, as defined in this chapter.

2 GGG. "Nuisance" means, but is not limited to, defecation, urination, disturbing the peace, emitting noxious
3 or offensive odors, or otherwise endangering or offending the well-being of the inhabitants of the town of
4 Mesilla, New Mexico.

5 HHH. "Owner" means a person ~~who owns, possesses, harbors, keeps, or has custody or control, or~~
6 ~~knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care, or who~~
7 ~~permits an animal to remain on or about his premises.~~ [+eighteen (18) years of age or older or the parent or
8 guardian of a person under eighteen (18) years of age who owns, harbors, or keeps an animal or permits an
9 animal to remain on or about the premises owned or controlled by him/her. The term "owner" does not apply to
10 a community cat caregiver.

11 III. "Performing animal exhibition" means any spectacle, display, act, or event, other than a circus, in which
12 performing animals are used and to which the general public is invited.

13 JJJ. "Permit" means an official document or certificate issued by the marshal, or his/her designee,
14 authorizing the keeping of specific animals on specific premises.

15 KKK. "Pet" means any domesticated animal kept as a companion animal, and not intended to be used for
16 farming or human consumption. Livestock shall not be considered a pet even if kept as a companion animal
17 and not used for farming or human consumption.

18 LLL. "Pet identification" means a rabies tag, pet license tag, microchip tag, pet identification tag,
19 identification microchip, or any other potential source of owner contact information associated with an
20 impounded animal that may be obtained by the animal control officer. For the purposes of reclamation under
21 this chapter, an animal shall not be considered to be in possession of pet identification if such tags or owner
22 contact information proves to be invalid.

23 MMM. ~~"Pet shop" means any person, joint venture, partnership, limited liability company, corporation or~~
24 ~~other business entity that is engaged in the buying and selling or grooming of animals for profit.~~ "Pet mill"
25 means a commercial pet breeding facility operated with an emphasis upon profits above animal welfare and
26 often in substandard conditions regarding the well-being of the animals at the facility, which substandard
27 conditions include, but are not necessarily limited to overbreeding, inbreeding, minimal veterinary care, poor
28 quality of food and shelter, lack of human socialization, overcrowded cages, and the killing of unwanted
29 animals.

1 NNN. "Poisonous substance" means any substance, when introduced to the body of a person or animal,
2 causes injury, illness, or death.+]]

3 OOO. [+ "Potentially dangerous dog" means a dog as defined under the Dangerous Dog Act, NMSA 1978,
4 Sec. 77-1A-2, *et seq.*, as amended.

5 PPP. "Potential rabies suspect animal" means any animal that has bitten a person causing a puncture or
6 tear of the skin, potentially exposing the person to rabies.+]]

7 QQQ. "Premises" means a parcel of land and the structures thereon.

8 RRR. [+ "Qualified adopter" means a person who is 18 years of age or older, who has never been convicted
9 of any form of cruelty under any law and in addition has not been convicted two or more times for any violation
10 of this article or its predecessor ordinances, has never had any animal-related permit revoked or suspended,
11 has never failed to reclaim an animal from the town or its designee, has not surrendered an animal within one
12 year of the time of adoption and has never been convicted of child or domestic abuse.

13 SSS. "Qualified service animal" means ~~an animal which has been trained by a recognized service animal~~
14 ~~trainer to assist a blind person, a hearing-impaired person, or a mobility-impaired person~~ an animal recognized
15 as a service animal under either federal regulations implementing the Americans with Disabilities Act, or NMSA
16 1978, Chapter 28-11-2, as amended. ~~The term shall also include an animal that is deemed necessary by a~~
17 ~~physician licensed to practice medicine in the state of New Mexico.~~ As defined in NMSA 1978, Chapter 28-11-
18 2(B)(2013), a qualified service animal does not include a pet, an emotional support animal, a comfort animal, or
19 a therapy animal. The term shall also include an animal which has been trained and used by law enforcement
20 for legitimate law enforcement purposes.

21 TTT. "Quarantine" means the segregation of an animal for any time as required under state law or this
22 article in order to control the spread of rabies or contagious illness; and, specifically included the strict isolation
23 of a potential rabies suspect animal for a ten (10) day observation period at a place and in a manner
24 designated by the animal control officer and approved by a Field Health Office.

25 UUU. "Rabies vaccination" means ~~inoculation with an anti-rabies vaccine recognized and approved by the~~
26 ~~State of New Mexico and given in an amount sufficient to provide immunity from rabies for a minimum of one~~
27 ~~year~~ means the injection of an approved rabies vaccine by or under the supervision of a licensed
28 veterinarian.

1 VVV. "Reclaim" means an owner's recovery of an animal that has been impounded at the marshal's
2 department.

3 WWW. "Reclamation period" means the length of time made available to an animal's owner, during which
4 he or she may reclaim such animal from the marshal's department or another designated animal shelter as
5 his or her personal property. The reclamation period shall be measured in working days, which shall include
6 any day in which the marshal's department or a designated shelter's reclamation department/office is open
7 to the public for a minimum of three continuous hours.

8 XXX. "Release of ownership (or owner relinquish)" means a document to be signed by the owner of an
9 animal in which he or she relinquishes all right and title of the animal to the marshal's department.+]

10 YYY. "Reptile" means any of various cold-blooded, egg-laying vertebrates [+of the class Reptilia (including,
11 ~~such as, but not limited to,~~+) snakes, crocodiles, lizards, ~~frogs,~~ turtles, iguanas, ~~salamanders, newts, and toads~~
12 geckos).

13 ZZZ. [+ "Residence" means a building used by a person as a place of general abode, or as a principal or
14 actual dwelling place in fact, without regard to intent."

15 AAAA. "Restraint" means any of the following:

- 16 1. To be under the immediate control of a capable and competent person; or
- 17 2. To be secured by a tether confining the animal within the owner's premises; or
- 18 3. To be secured within an escape-proof enclosure within the owner's premises.

19 BBBB. "Run or running at large" means to be free of physical restraints and go beyond the boundaries of the
20 premises of the owner.

21 CCCC. ~~"Service animal" means an animal which has been trained by a recognized service animal trainer to~~
22 ~~assist a blind person, a hearing impaired person, or a mobility impaired person.~~ [+ "Sexual abuse of animals"
23 means intentionally engaging in sexual intercourse, cunnilingus, fellatio, or anal intercourse with an animal or
24 the causing of penetration, to any extent and with any object, of the genital or anal openings of an animal,
25 whether or not there is any emission.

26 DDDD. "Sterilization" means rendering an animal permanently incapable of producing offspring, either by
27 the spaying of a female animal or by the neutering of a male animal. Such an animal is deemed to be
28 sterilized. An unsterilized animal is also known as being intact.

1 EEEE. "Surrender" means the relinquishment of ownership of an animal to the animal control authority by
2 the owner of the animal.

3 FFFF. "Tether" means to restrain an animal by means of a chain, lead, runner, cable, rope, or similar device
4 attached to either a stationary object or to a running line, pulley, or trolley system.

5 GGGG. "Therapy animal" means a therapy animal, as defined in NMSA 1978, Section 28-11-2(A) (2013),
6 also known as an emotional support animal or comfort animal; and, is an animal selected to accompany an
7 individual with a disability that does not work or perform tasks for the benefit of an individual with a disability
8 and does not accompany at all times an individual with a disability. Also an animal used as a therapeutic tool
9 to improve social, emotional or cognitive function, improve communication, reduce stress and violence and to
10 provide health-promoting, preventive and rehabilitative measures.+]]

11 HHHH. "Town" means the land area within the boundaries of the town of Mesilla, New Mexico, as may be
12 extended by future annexations from time to time, including privately owned land and city-, state- and federal-
13 owned land.

14 IIII. "Trap" means a ~~mechanical~~ humane device for catching and holding animals.

15 JJJJ. [+ "Trap-Neuter-Return" means the nonlethal process of humanely trapping, sterilizing, vaccinating for
16 rabies, microchipping, eartippng, and returning community cats to their original location or the immediate
17 vicinity.

18 KKKK. "Unrestrained" means to be free from physical restraint."+]]

19 LLLL. ~~"Vicious or dangerous animal" means any of the following:~~

20 ~~1. Any animal which kills or severely injures (so as to result in muscle tears, or disfiguring~~
21 ~~laceration, or require multiple sutures, corrective or cosmetic surgery) a person or domesticated~~
22 ~~animal within the town. It does not include an animal which bites, injures, attacks or attempts to~~
23 ~~attack any person or animal which is unlawfully or without permission upon its owner's or~~
24 ~~keeper's premises or which is provoked to attack or attempt to attack;~~

25 ~~2. Any animal which, when unprovoked, engages in behavior that requires a defensive action by~~
26 ~~a person to prevent bodily injury to a person or domesticated animal within the town when the~~
27 ~~person and the domesticated animal are off the owner's or keeper's property; or~~

1 3. Any animal which, because of its poisonous bite or sting, would constitute a significant hazard
2 to persons or domesticated animals within the town.

3 —No animal which bites, injures, attacks, or attempts to attack any person or animal which is unlawfully or
4 without permission upon its owner's or keeper's premises, or which is provoked to attack or attempt to attack,
5 or which is responding to pain or injury, protecting itself or its offspring, or protecting or defending a human
6 being, shall be deemed a vicious animal. "Venomous animal" means any animal with the capability of causing
7 harm by the introduction of a toxic or poisonous substance into the body of another animal or human being.

8 MMMM. "Veterinarian" means a person with a doctor of veterinary medicine degree licensed to practice
9 [+veterinary medicine+] in the state of New Mexico.

10 NNNN. [+“Veterinary hospital or clinic” means any establishment maintained or operated by a veterinarian
11 for surgery, diagnosis, and treatment of diseases and injuries of animals

12 OOOO. ~~“Wild animal” means any of the various warm or cold blooded vertebrates, insects, or arachnids~~
13 ~~living in a natural state, not domesticated, bred or raised, including exotic species.~~ “Wild animal” means any
14 vertebrate animal(s) under the jurisdiction of the New Mexico Department of Game and Fish.

15 PPPP. “Wildlife” means any wild, exotic, or nondomestic mammal, bird, reptile, amphibian, fish, mollusk,
16 or crustacean.+] [Ord. 2007-10 § 3]

17 **6.05.040 Joint agreement with Animal Humane Society Services Center of Mesilla Valley.**

18 

19 The mayor is authorized, with the consent of the governing body, to execute on behalf of the town a joint
20 powers agreement for animal control services with the Animal Humane Society Services Center of Mesilla
21 Valley or an equivalent organization so as to accomplish the purposes of this chapter. [Ord. 2007-10 § 4]

22 **6.05.050 Animal control officer.** 

23 The governing body of the town shall delegate the powers, authority, duties and responsibilities set out in this
24 title to the [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police~~, or
25 any duly authorized designee appointed by the mayor, with the consent of the governing body, to protect the
26 citizens of the town and their property. [Ord. 2007-10 § 5]

27 **6.05.060 Animal control authority.** 

1 A. Authority Granted to the Marshal or his Duly Authorized Designee, including the Animal Control Officer,
2 ~~Municipal Police, or Duly Authorized Designee.~~

3 1. Duty to Protect the Health and Safety of the Public. The [+marshal or his duly authorized
4 designee, including the+] animal control officer, ~~municipal police, or duly authorized designee~~
5 shall be concerned with the health and safety of the citizens of the town as affected by animals
6 and to protect the citizens of the town and their property.

7 2. Methods Authorized. The [+marshal or his duly authorized designee, including the+] animal
8 control officer, ~~municipal police, or duly authorized designee~~ shall be authorized to use such
9 methods, means and equipment as are reasonably necessary to bring strays and other animals
10 under control and to enforce the provisions of this chapter. [+This includes the authority to
11 destroy an animal which reasonably appears to pose an immediate and serious threat to
12 human life, if the officer is unable to capture said animal without any substantial danger to
13 himself/herself or others. The destruction of an animal in conjunction with this chapter shall
14 be made with the concurrence of the marshal or a licensed veterinarian.+]

15 3. Entry on Premises [+or Vehicle+] Authorized. For the purposes of discharging his or her
16 duties imposed by this chapter, the [+marshal or his duly authorized designee, including the+] ~~animal control officer, municipal police, or duly authorized designee~~
17 shall be authorized to enter
18 upon any ~~manned~~ [+private+] premises [+or to enter a vehicle+] if he or she has reasonable
19 cause to believe a violation of this chapter has been committed; or if any provisions of this
20 chapter or any of the laws of the state of New Mexico relating to the care, treatment, control and
21 prevention of cruelty to animals have been or are being violated.

22 4. Entry on Private Land [or a Vehicle+] with a Search Warrant. If, however, the owner or
23 occupant of any dwelling or premises objects to inspection, as stated in this section, a search
24 warrant for the inspection of the dwelling and premises[+, or vehicle+] shall be obtained and
25 presented by the [+marshal or his duly authorized designee, including the+] animal control
26 officer, ~~municipal police, or duly authorized designee~~. A search warrant will be obtained from the
27 municipal court prior to inspection, when permission is denied [+ , however, a warrant shall not
28 be required if an emergency exists and emergency measures are taken, as defined in MTC
29 6.05.030+].

1 [+5. Rendering Medical Aid to Animals. The [+marshal or his duly authorized designee,
2 including the+] animal control officer, ~~municipal police, or duly authorized designee~~ shall be
3 authorized to render life-saving medical intervention, consistent with the scope of training
4 received and as may be allowed by law, when acting under the direction of a licensed
5 veterinarian. When taking such emergency measures as specified in this section, then the town
6 or its duly authorized agents and representatives shall not be held liable to the owner of the
7 animal.+]

8 B. Authority of the Marshal, or his Duly Authorized Designee, including Animal Control Officer, ~~Municipal Police,~~
9 ~~or Duly Authorized Designee~~ to Enter Private Land without a Search Warrant.

10 1. Entry on Private Land without a Search Warrant. For the purpose of discharging his or her
11 duties imposed by this chapter, the [+marshal or his duly authorized designee, including the+] animal control officer,
12 ~~municipal police, or duly authorized designee~~ shall be authorized and it is declared to be their duty to enter upon private land without a search warrant for the purpose of
13 fresh pursuit or for impounding of any animal found running at large.
14

15 [+C. Interference Prohibited.

- 16 1. A person shall not threaten or interfere with the marshal or his duly authorized designee,
17 including the animal control officer, in the performance of the duties authorized by this
18 chapter.
- 19 2. False Report. A person shall not make a false report to the marshal or his duly authorized
20 designee, including the animal control officer, regarding any animal in danger or regarding
21 any alleged violation of this chapter
- 22 3. Animal trap. A person shall not move, open, close, or in any way alter an animal trap
23 belonging to the town or being used by the animal control officer without authorization
24 from the marshal. Removal or release of any animal from such a trap is prohibited.

25 D. Citations; criminal complaints. Whenever the [+marshal or his duly authorized designee, including the+] ~~municipal police~~
26 ~~or animal control officer~~ has probable cause to believe that a person has violated this chapter
27 or any other applicable animal control law or regulation, the [+marshal or his duly authorized designee,
28 including the+] ~~municipal police~~, animal control officer may prepare a criminal complaint to be filed with a court
29 of competent jurisdiction or may prepare a citation for the alleged violator to appear in court.+] [Ord. 2007-10
30 § 6]

1 **6.05.070 Animals to be personal property.** 

2 [+A. Animals are Personal Property.+] Dogs, cats and other animals shall be declared, deemed and considered
3 personal property of the owner thereof, and all remedies given for the recovery of personal property and of
4 damages for injuries thereto shall be extended to the owners thereof.

5 [+B. Sale of Unweaned Animals. A person shall not sell, offer for sale, barter, transfer, or adopt a domesticated
6 animal under eight (8) weeks of age, or a guinea pig, hamster, or rabbit under four (4) weeks of age. All
7 animals shall be fully weaned and capable of eating on their own to sufficiently maintain proper body condition
8 prior to being offered for sale, transfer or adoption. Nothing herein shall prohibit the transfer of animals
9 between animal shelters and animal rescue organizations. Nothing herein shall prohibit the sale, transfer, or
10 adoption of an unweaned animal if accompanied by a nursing female.

11 C. Sale in Public. A person shall not sell, offer for sale, barter, give away, transfer or adopt any animal upon a
12 street, sidewalk, public park, or any area open to the public, unless such person is acting on behalf of the
13 Animal Service Center of the Mesilla Valley or an animal shelter.

14 D. Prize. A person shall not offer an animal as a prize, giveaway, premium, novelty, or award for a contest,
15 game, or sport or as an incentive to purchase merchandise unless part of an FFA or 4-H sanctioned event.

16 E. Venomous Animal. A professional establishment shall not offer for sale any venomous animals, other than
17 tropical fish contained in accurately labeled aquaria.

18 G. Animal Exhibit Safety. A person shall not operate, conduct, or maintain any animal exhibit under conditions
19 that pose a danger to the public or the animals.

20 H. Deceased Animal Disposal Requirements.

21 1. Owner Responsibility. A person owning or having care, custody or control of an animal carcass
22 shall be responsible for its removal within twenty-four (24) hours of death, if the animal is not to be
23 used for human consumption.

24 a. An animal carcass may be disposed of at the South Central Solid Waste Authority facility as
25 authorized.

26 2. Removal. The animal control officer may remove any animal carcass from on or along any traveled
27 portion of any highway or public way normally used by motor vehicles or from any public property. The

1 animal control officer shall make reasonable efforts to notify the animal's owner or community cat
2 caregiver—if known—in the event of the animal's death.

3 a. The animal control officer may dispose of the animal carcass at the South Central Solid
4 Waste Authority facility as authorized after microchip scanning and making reasonable efforts
5 to notify the owner or community cat caregiver of the animal.

6 b. The animal control officer shall retain any tags or other identification found on an animal
7 carcass.

8 c. The animal control officer may, but is not obligated to, provide for the removal of an animal
9 carcass from private property at the request of the animal owner or property owner for a set
10 fee, as established by the Board of Trustees by resolution.

11 I. Abandonment prohibited. A person shall not abandon an animal or cause such abandonment.

12 1. Abandonment of an animal does not relieve the owner of the responsibilities associated with
13 ownership, and he may still be regarded as the owner for the purposes of this chapter.

14 2. A person owning or having care, custody or control over an animal shall not leave the animal at the
15 animal control shelter, or private animal shelter, without providing either notification of intent to
16 reclaim the animal or a release of ownership of the animal in writing. Such actions shall be considered
17 abandonment for the purposes of this chapter.

18 3. Abandonment does not apply to the Trap, Neuter and Return (TNR) of community cats.+] [Ord.
19 2007-10 § 7]

20 **6.05.080 Animals running at large.** 

21 A. Duty to Keep Animal on Owner's Premises or Leashed. Any person owning or having charge or control of
22 any animal shall keep such animal on his or her premises. No animal shall be running at large or unleashed on
23 any street, alley, sidewalk, vacant lot, public property (including public parks), or ~~nonenclosed~~ [+unenclosed+]
24 space on private property not that of the owner of the animal.

25 B. Animals Running at Large Declared Nuisance and Menace to Public Health and Safety. Any animal found
26 running at large in violation of this section is declared to be a nuisance, a menace to the public health and
27 safety, and, if observed by the [+marshal or his duly authorized designee, including the+] animal control officer,

1 ~~municipal police, or duly authorized designee~~, shall be taken up and impounded. Cats are not required to be
2 leashed but shall be required to remain confined within the owner's premises.

3 C. Unlawful to Chain or Stake an Animal on Unenclosed Premises. It is unlawful for any person to chain or
4 stake any animal on any unenclosed premises in such a manner that such animal may go beyond the property
5 line.
6

7 [+D. Community Cat Management Initiatives: The town of Mesilla recognizes the need for innovation in
8 addressing the issues presented by community cats. The Board of Trustees finds that a Trap, Neuter and
9 Return (TNR) program is valuable in this regard. To that end it recognizes that there are community cat
10 caregivers and acknowledges that properly managed community cats may be part of the solution to the
11 continuing euthanasia of cats; and, establishes the following requirements.
12

- 13 1. All community cat caregiving must be maintained on private property of the community cat
14 caregiver, or with permission of the private property or other landowner (including city/town, state,
15 and federal public property).
16
- 17 2. A free community cat certification program may be developed to educate people about community
18 cats, the importance of a veterinary provider relationship to best address community cat needs,
19 common diseases and proper care, good management practices, and maintenance of community
20 cats. The educational program shall be developed by community veterinarians, community cat
21 caregivers, the marshal's department and citizens through an *ad hoc* advisory committee that will
22 be disbanded upon recommendation to the marshal.
23
- 24 3. All community cats must be sterilized, microchipped, vaccinated against the threat of rabies, and
25 eartipped for easy identification; if these requirements are met the community cat is exempted
26 from licensing, stray, at-large and possibly other provisions of this ordinance that apply to owned
27 animals.
28
- 29 4. Community cat caregivers are required to provide certain necessities on a regular/ongoing basis,
30 including, but not limited to, proper nutrition and medical care as needed. If medical care is
31 unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Food
32 must be provided in the proper quantity for the number of cats being managed and is to be
33 supplied no less than once per day. Food must be maintained in proper feeding containers.
34 Water, if supplied, must be clean, potable and free from debris and algae. If shelter is provided, it
35 shall be unobtrusive, safe, and of the proper size for the cat(s).
36
- 37 5. Community cats that are discovered to be trapped on the private property of another three (3)
38 times within a 12-month period by the marshal or his duly authorized designee, including the
39 animal control officer shall be deemed a nuisance and are subject to proper disposition as the
40 marshal may direct.
41

42 The marshal's department is expressly authorized to cooperate with non-profit organizations that provide efforts
43 to assist in the proper care and management of community cats. Such organizations and members thereof
44 may likewise assist the marshal's department in the proper care and management of community cats.+] [Ord.
45 2007-10 § 8]

46 **6.05.090 Animal fighting prohibited.**

47 It is unlawful for any person to promote, stage, hold, conduct, carry on, or attend any game, exhibition, or fight
48 in which one or more animals is engaged for the purpose of injuring, killing, maiming or destroying themselves

1 or any other animal, or to train or breed any animals for such purpose, and/or to promote any of the activities in
2 this section. [Ord. 2007-10 § 9]

3 **6.05.100 Disturbing peace – Prohibited – Nuisance.** 

4 A. Animal Nuisance Prohibited. Any animal that habitually or continuously barks, howls or otherwise disturbs
5 the peace of the inhabitants of the town, or is kept or maintained in such a manner or in such numbers as to
6 disturb by noxious or offensive odors or otherwise endanger the health and welfare of the inhabitants of the
7 town is declared to be an animal nuisance and shall be prohibited. Complaints filed pursuant to this section
8 may be filed in writing with the [+marshal or his duly authorized designee, including the+] animal control officer,
9 ~~municipal police, or duly authorized designee~~ and shall include the name of the complainant and the name and
10 address of the person(s) permitting the nuisance to occur and to continue.

11 [1. It shall be a violation of this section if barking, howling or other noise that disturbs the peace is
12 frequent or long-continued; is audible beyond the property line of the premises on which the animal is
13 located for more than 10 minutes; and is attested to by:

- 14 a. Complaints from two or more separate properties;
- 15 b. A complaint from a separate property and verified by an audio recording which records the
16 howling, barking or noise for more than 10 minutes; or,
- 17 c. The marshal or his duly authorized designee, including the animal control officer.

18 The words “frequent or long-continued” as used in this section shall not mean continuous or uninterrupted in
19 time or without cessation.

20 B. Noise Abatement. In order to abate the nuisance created by the animal howling, barking, or making noise in
21 violation of this section, an animal control officer may enter the premises on which the animal is located and
22 may impound the animal if the animal control officer is unable to contact the person owning or having care,
23 custody, and control of the animal or if such person is unable or unwilling to stop the howling, barking or noise.
24 An animal impounded pursuant to this section shall be considered to be a care and maintenance impoundment
25 for purposes of reclamation.+]

26 ~~B. C. Total Number of Dogs and Cats Permitted. A person or household shall own, harbor, or keep no more
27 than the total number of dogs and cats over the age of six months permitted in the following schedule based on
28 total acreage owned:~~

Total Number of Dogs and Cats (Or Any Combination) According to Acreage

Three dogs or three cats	One half acre or less
Four dogs or four cats	More than one half acre, up to one acre
Five dogs or five cats	More than one acre, up to two acres
Six dogs or six cats	More than two acres

1 If a person or household desires to own more than the total number of dogs and cats permitted immediately
2 above, such person or household must first qualify as a kennel, guard dog operation, or hobby breeder
3 operation as defined in this chapter and obtain from the town a permit in accordance with MTC [6-05.240](#) to
4 operate a kennel, guard dog operation or hobby breeder operation and be subject to the regulations thereof
5 and the regulations set out in MTC Title [5](#), Business Taxes, Licenses and Regulations, and MTC Title [18](#),
6 Zoning. Private Criminal Complaints. Private criminal complaints may be filed in municipal court by citizens
7 affected by any animal that may be determined a nuisance under subsection (A) of this section. Complaints
8 filed pursuant to this section shall be in writing, stating the name and address of the complainant and the
9 person(s) permitting the nuisance to occur and to continue. [Ord. 2007-10 § 10]

10 **6.05.110 Impounding strays – Procedure.** 

11 A. ~~Impounding Strays~~ [+Impoundment and Detention+].

12 1. Duty to Impound. It is declared to be the duty of the [+marshal or his duly authorized designee,
13 including the+] animal control officer, ~~municipal police or duly authorized designee~~ to take up and
14 impound or cause to be impounded any astray animals found in the town [+ , excepting community
15 cats+].

16 2. Astray Animals Displaying License or Other Identification. If the astray animal is wearing a license or
17 bears other visual identification [+ , or has a working identification microchip+], the [+marshal or his
18 duly authorized designee, including the+] animal control officer, ~~municipal police or duly authorized
19 designee~~ will attempt to notify the owner or his or her agent or representative of the animal's
20 impoundment. If after three business days the owner or his or her agent or representative has not
21 claimed the animal, the animal may be adopted, sold or euthanized in a humane manner in that order
22 of priority while in the physical possession of the the [+marshal or his duly authorized designee,
23 including the+] animal control officer, ~~municipal police or duly authorized designee~~.

1 3. Astray Animals Not Displaying License or Other Identification. If the astray animal is not wearing a
2 license or other visual identification [+ , or lacks a working identification microchip with the current and
3 correct information available+], and after three business days no one has appeared to claim the
4 animal, the animal may be adopted, sold or euthanized in a humane manner in that order of priority
5 while in the physical possession of the [+marshal or his duly authorized designee, including the+]
6 animal control officer, ~~municipal police, or duly authorized designee.~~

7 4. The Town Is Not Liable for Disposition of Unclaimed Animal after Notification. If the the [+marshal or
8 his duly authorized designee, including the+] animal control officer, ~~municipal police, or duly authorized
9 designee~~ notified the owner or his or her agent or representative of the impoundment of the owner's
10 three business days, as specified in this section, then the town or its duly authorized agents and
11 representatives shall not be held liable to the owner of the animal for the adoption, sale or
12 euthanization of the impounded animal.

13 5. Town Not Liable for Disposition of Unclaimed Animal Where Notification Not Possible. If the
14 [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police, or
15 duly authorized designee~~ is unable to notify the owner because the animal does not have a license or
16 other visual identification and the animal is not claimed within three business days, then the town or its
17 duly authorized agents and representatives shall not be held liable to the owner of the animal for the
18 adoption, sale or euthanization of the impounded animal.

19 6. Claiming of Astray Animal. The astray animal may be claimed from the pound by its owner or his or
20 her agent or representative by payment to the town for the impounding fee, transportation fee,
21 quarantine fee, microchip fee, and payment of the license fee for the current year (if the animal was
22 unlicensed and a license is required), payment of vaccination charges (if necessary), and any medical
23 expenses incurred by the impounding authority. The aforementioned fees shall be those established
24 by town resolution, as may be amended from time to time. Any astray animal which is not claimed by
25 its owner or his or her agent or representative within three business days, as specified in this section,
26 may be adopted by another person through the ~~Animal Humane Society~~ [+marshal's department or an
27 animal control shelter designated by the marshal+] by payment to the town of the license fee for the
28 current year (if the animal was unlicensed and a license is required), payment of vaccination charges
29 (if necessary), and any medical expenses incurred by the impounding authority.

30 7. Records Maintained. The town shall maintain a record of all animals impounded for a reasonable
31 period of time. The record shall contain at least the following information:

- 1 a. Description of the animal;
- 2 b. Manner, place and date of its acquisition;
- 3 c. Date and manner of its disposal;
- 4 d. Name, address, and phone number of person claiming the animal;
- 5 e. Copy of proof of identification of person claiming the animal (such as, but not limited to,
- 6 copy of a valid driver's license, Social Security card, passport, or utility bill);
- 7 f. All fees received; and
- 8 g. Medical expenses for the animal.

9 8. Public's Duty to Report Astray Animals. Any person finding any astray animal shall notify the
10 [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police, or~~
11 ~~duly authorized designee~~ as soon as possible, and shall surrender the astray animal to the [+marshal
12 or his duly authorized designee, including the+] animal control officer, ~~municipal police, or duly~~
13 ~~authorized designee~~ upon demand.

14 [+9. Health or Safety Risk. The animal control officer may take emergency measures in order to seize
15 and detain any animal that poses a present or imminent health or safety risk to the public.

- 16 a. If the animal is not to be held pending court proceedings, such impoundment shall
17 be considered a care and maintenance impoundment for purposes of reclamation.

18 10. Critically Ill or Injured. The animal control officer may take emergency measures in order to seize
19 and detain any animal that is deemed by the animal control officer to be critically ill or
20 injured or in real and immediate jeopardy of becoming critically injured.

21 11. Running at Large. The animal control officer may detain any animal found running at large, except
22 as provided in this chapter.

- 23 a. If the animal control officer is unable to safely return said animal to the appropriate owner or
24 community cat caregiver within a reasonable amount of time, the officer may deliver the
25 animal to the animal control shelter.

1 i. If the animal is not to be held pending court proceedings, such an impoundment
2 shall be considered a running at large impoundment for the purposes of reclamation.

3 12. Owner Relinquish. The animal control officer may detain and deliver to the animal control shelter
4 any animal relinquished by its owner.

5 13. Cruelty; Extreme Cruelty. The marshal or his duly authorized designee, including the animal control
6 officer who reasonably believes that the life or health of an animal is endangered due to cruelty or
7 extreme cruelty shall follow the seizure, notice, disposition and cost procedures contained in NMSA
8 1978, Sections 30-18-1.1, 1.2, and 1.3, as amended.

9 14. Rabies Exposure; Animal Surrender.

10 a. A person owning or having care, custody, or control over an animal that bites a person shall
11 surrender custody of said animal to the animal control officer if the animal control officer
12 deems it necessary to impound said animal for a quarantine isolation and observation period.

13 b. A person owning or having care, custody, or control over an animal refuses to surrender
14 custody of said animal, the animal control officer may seek a warrant for the seizure of the
15 animal.

16 B. Reclamation; Right to reclaim. The owner of any animal that is impounded pursuant to this chapter shall
17 have the right to reclaim the animal from the animal control shelter during the allotted reclamation period upon
18 payment of all fees that may be owed for the impoundment of such animal.

19 1. Any animal not reclaimed within the reclamation period shall thereafter be considered
20 the property of the town.

21 2. The reclamation period may be interrupted if it is determined by the animal control officer that
22 euthanization of the animal is necessary due to the animal being in severe, acute distress or if the
23 animal is irremediably suffering.

24 3. The animal control officer shall hold any animal impounded for running at large without pet
25 identification for a minimum reclamation period of three (3) working days following impoundment.

26 4. The animal control officer shall hold any animal impounded for running at large with pet identification
27 for a minimum reclamation period of five (5) business days following impoundment.

1 5. The animal control officer shall not be required to hold for any minimum reclamation period any
2 animal that has been relinquished to the town by its owner.

3 6. The animal control officer shall hold any deceased animal delivered to the animal control shelter for
4 a minimum reclamation period of one (1) business day.

5 7. The animal control officer shall not be required to hold for any minimum reclamation period any
6 deceased animal delivered to the animal control shelter without pet identification.

7 8. The animal control officer shall hold any animal impounded as a care and maintenance
8 impoundment for a minimum reclamation period of five (5) working days following impoundment.

9 9. The owner may not reclaim any animal that has been placed under a court-ordered detainment.

10 10. Any animal that is placed under quarantine shall be held for the full quarantine isolation and
11 observation period before said animal may be reclaimed by the owner, unless a home quarantine is
12 authorized by the animal control officer.

13 C. Impoundment Fees. Fees for the impoundment and boarding of each animal shall be established by the
14 Board of Trustees by resolution; but, shall not be less than those fees charged by the Animal Services Center
15 of the Mesilla Valley or Dona Ana County.

16 1. Payment of such impoundment fees shall not bar the imposition of any fine that may be imposed by
17 a court of competent jurisdiction for the violation of this chapter or state law.

18 2. Boarding fees may be included for each day or fraction thereof of impoundment for feeding and care
19 of such animal.

20 3. The owner of any animal impounded shall be responsible for all fees associated with such
21 impoundment and boarding whether or not the animal is reclaimed.

22 4. All fees associated with such impound shall be paid to the town, sequestered and utilized
23 exclusively for animal control purposes.

24 D. Proof of Vaccination. A person reclaiming a domesticated animal judged to be three (3) months of age or
25 older by the animal control officer and that was seized or apprehended from an address or location within the

1 town shall provide a current rabies vaccination certificate for said animal before the animal may be reclaimed
2 from the animal control shelter.

3 1. If a current rabies vaccination certificated is not provided, the owner or community cat caregiver
4 shall purchase either a new vaccination or a vaccination voucher for the animal from a veterinarian
5 before said animal may be reclaimed.

6 a. If the owner or community cat caregiver chooses to purchase a vaccination voucher, the
7 owner or community cat caregiver shall sign an agreement stating he or she will have the
8 animal vaccinated against rabies within thirty (30) days of reclamation.

9 b. The owner or community cat caregiver shall subsequently provide current rabies
10 vaccination for said animal to the animal control officer within thirty-five (35) days of
11 reclamation.

12 E. Proof of microchip. Proof of a working implanted microchip in a domesticated animal seized or apprehended
13 from an address or location within the town and judged to be three (3) months of age or older by the animal
14 control officer shall be obtained by the animal control officer before such animal may be reclaimed.

15 1. Proof of the microchip implantation shall be a scan of the animal by the animal control officer
16 confirming the presence of a working identification microchip.

17 2. If proof of a working microchip implantation is not obtained, the owner or community cat caregiver
18 shall be charged for microchip implantation by the animal control officer before the animal can be
19 reclaimed.

20 a. If the owner or community cat caregiver chooses to purchase a microchip voucher, the
21 owner or community cat caregiver shall sign an agreement stating he or she will have said
22 animal microchipped within thirty (30) days of reclamation.

23 b. The owner or community cat caregiver shall then subsequently provide proof to the animal
24 control officer within thirty-five (35) days of reclamation that said animal has been
25 microchipped.

26 3. The microchip and corresponding owner or community cat caregiver contact information shall be
27 registered with the animal control officer.

1 4. The microchip fee shall be set by the Board of Trustees by resolution and payable to the town of
2 Mesilla, with all fees sequestered and utilized for exclusively for animal control purposes.

3 F. Proof of Sterilization. A person reclaiming a dog or cat judged to be six (6) months of age or older by the
4 animal control officer and that was seized or apprehended from an address or location within the town shall
5 provide proof that said animal has been sterilized before the animal may be reclaimed if such condition is not
6 readily obvious to the animal control officer.

7 1. Proof of sterilization shall consist of a written certificate by a veterinarian stating that the animal has
8 been sterilized, or that sterilization would be an unnecessary surgical risk for the animal due to animal
9 due to its age or physical condition.

10 2. If proof of sterilization cannot be provided or such condition is not readily obvious to the animal
11 control officer, the owner or community cat caregiver shall provide a sterilization deposit to the animal
12 control officer.

13 3. The owner or community cat caregiver shall sign an agreement stating that he or she will have the
14 animal sterilized within thirty (30) days of reclamation or will obtain an intact animal permit from the
15 animal control officer within such time.

16 4. The sterilization deposit shall be reimbursed to the owner or community cat caregiver upon
17 presentation of proof of sterilization to the animal control officer by the owner or community cat
18 caregiver within thirty-five days of reclamation.

19 5. The sterilization deposit shall not be reimbursed for obtaining an intact animal permit.

20 G. Release of Community Cats. Prior to release of any community cat, a licensed veterinarian must establish
21 that the cat has been sterilized, and is microchipped, vaccinated for rabies, and ear-tipped.+[Ord. 2007-10
22 § 11]

23 **6.05.120 Livestock, other animals.** 

24 A. Prohibition. It is unlawful for any person to permit livestock or other animals to stray, wander or graze upon
25 or along any traveled portion of any highway or public way normally used by motor vehicles.

1 B. Owners or Custodians Responsible. Owners or custodians of livestock or other animals shall be guilty of a
2 misdemeanor, punishable by a penalty as provided in MTC [6.05.250](#), upon conviction for violation of this
3 section.

4 C. Keeping of Livestock and Other Farm Animals. The owning, possessing, keeping or harboring of livestock
5 and other farm animals shall also be regulated by MTC Title [18](#), Zoning.

6 [+1. Large Livestock Animals. The following guidelines are established for the keeping of large
7 livestock animals such as, but not limited to, llamas, horses, mules, donkeys, swine, bovines, buffalo
8 and beefalo:

9 a. Large livestock should be kept in such a way as to provide reasonable space for feeding
10 exercise.

11 2. Small Livestock Animals. The following guidelines are established for the keeping of small
12 livestock animals such as, but not limited to, ducks, poultry, goats, sheep, and miniature
13 horses/donkeys:

14 a. Small livestock should be kept in such a way as to provide reasonable space for feeding
15 exercise..+]

16 Nothing in this section shall be construed to prohibit the owning, possessing, keeping or harboring of livestock
17 and other farm animals as prescribed or allowed in MTC Title [18](#), Zoning, unless the livestock or other farm
18 animals are declared or determined to be a nuisance or vicious or dangerous under the provisions of this
19 chapter. [Ord. 2007-10 § 12]

20 **6.05.130 Licensing and vaccinations [+identification microchip+] required.** 

21 ~~A. Vaccinations. All dogs and cats shall be vaccinated as required by state law. It shall be the responsibility of~~
22 ~~the owner to comply with the regulations prescribed by the New Mexico Department of Health. Dogs and cats~~
23 ~~over the age of four months must be vaccinated against rabies and so tagged by a licensed veterinarian. Upon~~
24 ~~demand by the animal control officer, municipal police, or duly authorized designee, the owner or his or her~~
25 ~~agent or representative must present evidence or certificate of vaccination for dogs and cats owned by him or~~
26 ~~her.~~

27 ~~B. Licensing. Any person [+A person owning or having care, custody or control over any dog or cat judged to~~
28 ~~be+] harboring or maintaining any dog or cat over the age of six [(6)+] months [+of age or older+] shall obtain~~

1 a license for each such dog or cat. Persons who are visiting or temporarily remaining within the town for less
2 than 30 consecutive days shall be exempt from this licensing requirement. Licenses may be issued only by the
3 [+marshal's department+] ~~animal control office, municipal police,~~ or duly authorized designee. Licenses shall
4 expire one year after the date of issuance of the license. The [+marshal's department or duly authorized
5 designee+] ~~animal control officer, municipal police, or duly authorized designee~~ shall keep a record of all
6 licenses issued. A current rabies vaccination certificate shall be presented at the time of application for the
7 license.

8 1. Affixing Tags. A current license tag number shall be affixed to the licensed dog or cat at all times in
9 a reasonable manner. [+The licensing tag may be removed on the owner's private property, while the
10 animal is undergoing treatment by a veterinarian or being groomed. Community cats are not required
11 to wear a license tag.+]

12 2. Fees. The annual license fee shall be ~~\$3.00~~ [+imposed+] for each ~~neutered or spayed~~
13 [+sterilized+] dog or cat and ~~\$10.00~~ for each ~~unspayed or unneutered~~ [+intact+] dog or cat
14 [+and shall be charged based on a schedule adopted by the Board of Trustees by resolution.+]
15 Any person seeking to obtain a license for a ~~neutered or spayed~~ [+sterilized+] dog or cat shall
16 furnish written proof from a licensed veterinarian that such dog or cat has been ~~neutered or~~
17 ~~spayed~~ [+sterilized+]. In the event a tag is lost, a replacement tag shall be obtained for a
18 charge of ~~\$1.00~~. Each ~~kennel or pet shop~~ [+multi-animal commercial site +] with 10 dogs or
19 more in possession shall pay an annual fee of ~~\$50.00~~ in lieu of licensing individual dogs and
20 such fee will cover all dogs kept by such business during the year.

21 [+a. A person over the age of 65, or veteran of the New Mexico or federal military
22 forces, owning a sterilized dog or cat shall obtain a pet license as a discounted rate.

23 All fees are based on a schedule adopted by the Board of Trustees by resolution. A
24 sterilization agreement and sterilization deposit may be required upon
25 release from the marshal's department or designated animal shelter in
26 accordance with NMSA 77-1-20 NM Stat [§ 77-1-20 \(2017\)](#) All fees
27 collected shall be paid to the town, sequestered and utilized exclusively for
28 animal control purposes+].

29 3. Breeder Fees. The owner who intentionally or unintentionally breeds dogs or cats must have
30 a current ~~hobby breeder's license~~ [+multi-animal residential site permit+] or shall pay a litter fee
31 of ~~\$25.00~~ for each litter. The ~~\$25.00~~ fee may be refunded at the time proof of sterilization of the

1 female dog or cat is submitted and verified by the [+marshal, his duly authorized designee,
2 including the animal control officer+], ~~municipal police, or duly authorized designee~~ but no later
3 than two months from the time the female dog or cat delivers a litter. Each ~~hobby breeder~~
4 [+multi-animal residential site permittee+] shall pay an annual fee of ~~\$50.00~~ in lieu of fees for
5 individual litters, and such fee will cover all litters during the calendar year.

6 [+a. All such fees are based on a schedule adopted by the Board of Trustees by
7 resolution+]. An owner shall not advertise, sell, barter, exchange, or give
8 away any dogs or cats within the town of Mesilla boundaries unless the
9 litter fee is displayed legibly. An owner shall furnish the litter fee or ~~hobby~~
10 ~~breeder~~ [+multi-animal residential site+] permit number to any prospective
11 recipient requesting the number. Each ~~hobby~~ ~~breeder~~ [+multi-animal
12 residential or commercial site permittee+] shall be subject to the regulations
13 of this chapter and the regulations set out in MTC Title 5, Business Taxes,
14 Licenses and Regulations, and MTC Title 18, Zoning.

15 [+ B. Microchip Requirement. A person owning or having care, custody or control over any dog, cat or ferret
16 judged to be six (6) months of age or older shall have the animal implanted with an identification microchip and
17 shall maintain current registration with a microchip registration company.

- 18 1. If there is a change in contact information of an owner of a registered microchipped dog, cat or
19 ferret, such owner shall update contact information, including any new address and telephone
20 number, with the microchip registration company within thirty (30) days of the date of change in
21 contact information.
- 22 2. If there is a change in ownership of a registered dog, cat or ferret, the previous owner shall be
23 responsible for ensuring that the microchip is no longer registered in the previous owner's name
24 within thirty (30) days of the change in ownership. The new owner shall be responsible for
25 registering the microchip to include any new address and telephone number and have the
26 registration information transferred to the new owner's name within thirty (30) days of the change
27 of ownership.
- 28 3. Any veterinarian or other person who implants an identification microchip in a dog, cat or ferret,
29 within town limits should provide proof of the microchip implant to the marshal's department. [Ord.
30 2007-10 § 13]

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6.05.140 Rabid animals Rabies vaccination and exposure requirements. 

~~A. Reporting Animals Showing Symptoms of Rabies. It is unlawful to keep any unvaccinated dog, cat, ferret or any animal which has shown any symptom of rabies. Animals showing symptoms of rabies shall be reported to the animal control officer, municipal police, or duly authorized designee who shall then impound and confine the animal and send a sample for testing to determine whether the animal is infected with rabies. If the test results show that the animal is infected with rabies, the animal shall be destroyed.~~ [+Vaccination. A person owing or having control of a domesticated animal judged to be three (3) months of age or older shall have the animal vaccinated against rabies.

1. The vaccine shall be administered by or under the supervision of a veterinarian.
2. The veterinarian shall issue for each administration a serially numbered certificate and metal tag bearing the certificate number.
3. The certificate shall contain the name and address of the owner or community cat caregiver of the animal, a description of the vaccinated animal, the date of the vaccination, and the expiration date of the vaccination.

B. Rabies Tag. A person owing or having control of a dog, cat or ferret judged to be three (3) months of age or older shall maintain a current rabies vaccination tag affixed to a collar or harness worn by the animal whenever the animal is away from the owner's property. Community cats are not required to wear a vaccination tag.

1. The rabies tag may be removed while the animal is undergoing treatment by a veterinarian or being groomed.
2. A person shall not remove or transfer any legitimate rabies tag from one animal to another.

C. Rabies Certificate. A person owing or having control of a dog, cat or domestic ferret judged to be three (3) months of age or older shall exhibit the vaccination certificate upon the request of the marshal's department.

D. Exposure; owner or community cat caregiver/victim responsibility. When any person is bitten by an animal, it is the duty of such person or his parent or guardian, or any person having knowledge of the whereabouts of the animal, to immediately contact the marshal's department ~~municipal police~~ or the Field Health Office.

1 E. Exposure; physician responsibility. A physician who renders professional treatment to a person bitten by an
2 animal shall report to the marshal's department ~~municipal police~~ such treatment immediately after the initial
3 treatment.

4 1. The physician shall report the name, address and phone number (if known) of the person bitten as
5 well as the type and location of the bite.

6 2. The physician shall report the name and address of the owner or community cat caregiver of the
7 animal that inflicted the bite (if known), and any other facts or details that may assist the marshal,
8 animal control officer or marshal's department ~~municipal police~~ in ascertaining the immunization status
9 of the animal.

10 F. Exposure; domesticated animal. Any domesticated animal that bites or potentially exposes a person to
11 rabies shall be either destroyed and the head sent to the laboratory for rabies testing, or placed in isolation
12 immediately at the owner's expense for a ten (10) day observation period at a place in a manner designated by
13 the animal control officer and approved by the Field Health Office. The lack of proof of current rabies
14 vaccination shall be *prima facie* evidence of a potential exposure to rabies, as described in this section.

15 1. The isolation and observation period shall end ten (10) days following the date and time of the
16 potential rabies exposure.

17 2. If the domesticated animal shows signs or symptoms of rabies during the ten (10) day isolation and
18 observation period, it shall be destroyed and the head sent to the laboratory for rabies testing.

19 G. Exposure, wild animal. Any skunk, bat, raccoon, coyote, bobcat, or other wild animal not born or reared in
20 captivity (with the exception of rodents or rabbits) that bites or otherwise exposes a person to rabies, shall be
21 destroyed immediately and the head sent to the laboratory for testing.

22 1. Rabbits and rodents do not normally carry rabies, but may be submitted for testing with the consent
23 of the Infectious Disease Epidemiology Bureau (IDEB), part of the Epidemiology and Response
24 Division of the New Mexico Department of Health.

25 H. Home Quarantine. The animal control officer may consent to confinement and isolation on the owner's
26 premises of a domesticated animal that bites a person on the owner's premises.

27 1. The premises where the home isolation is to occur shall be inspected and approved for such
28 purpose by the animal control officer.

1 2. The owner or community cat caregiver of the animal shall be required to enter into an indemnity
2 agreement on a form approved and prescribed by the marshal's department ~~municipal police~~ for such
3 home confinement.

4 3. The owner or community cat caregiver shall immediately notify the animal control officer if the
5 animal shows signs of sickness or abnormal behavior, if the animal escapes confinement, or if the
6 animal dies within the quarantine period.

7 I. Isolation Period – Extension. The ten (10) day isolation and observation period may be extended at the
8 request or direction of the Field Health Office.

9 J. Disposition of Quarantine Status. ~~If the animal has been determined not to be infected with rabies,~~ [+If at the
10 end of the ten (10) day isolation and observation period an animal is released from quarantine status, the
11 animal shall be returned to its owner or his or her agent or representative. However, if the animal has ~~been~~
12 ~~determined not to be infected with rabies but has~~ bitten a human being, a determination of whether the animal
13 is vicious shall be conducted in accordance with MTC [6.05.150](#); if the animal is determined not to be vicious,
14 the animal shall be returned to its owner or his or her agent or representative. If the animal dies during the
15 confinement period, all necessary laboratory inspections will be conducted by the ~~district health officer~~ [+Field
16 Health Office.

17 K. If any of the provisions of this section are in conflict with, or materially inconsistent with, regulations for the
18 reporting of animal bites, confinement and disposition of rabies-suspect animals, rabies quarantine, and the
19 disposition of dogs and cats exposed to rabies in the interest of public health and safety as prescribed by the
20 New Mexico Department of Health, pursuant to NMSA Section 77-1-6, and as amended, the state regulations
21 shall control.+]]

22 B L. Interference with Officers. It shall be unlawful for any person to interfere with the [+marshal or his duly
23 authorized designee, including the+] animal control officer, ~~municipal police, or duly authorized designee~~ in the
24 execution of the provisions of this section. [Ord. 2007-10 § 14]

25 **6.05.150 Vicious [+Dangerous+] or [+potentially+] dangerous animals [+dogs+].**



27 A. ~~Definition. A vicious or dangerous animal is one as defined in MTC [6.05.030](#).~~ [+Dangerous or Potentially
28 Dangerous Dogs, Generally. A person having care, custody, or control over a dangerous or potentially

1 dangerous dog shall comply with the provisions of the Dangerous Dog Act, NMSA 1978, Section 77-1A-2, *et*
2 *seq.*, as amended.+]]

3 ~~B. Determination of Viciousness. The municipal court shall conduct a hearing to determine if the animal is~~
4 ~~vicious or dangerous as defined in MTC [6.05.030](#). If the court determines, by clear and convincing evidence,~~
5 ~~that the animal is vicious or dangerous, the court may impose a fine or imprisonment or both on the owner of~~
6 ~~the animal and shall order the animal destroyed in accordance with MTC [6.05.160](#).~~ Search and seizure;
7 petition. The [+marshal or his duly authorized designee, including the animal control officer, may apply to the
8 municipal or magistrate court for a warrant to seize a dog believed to be a dangerous dog or a potentially
9 dangerous dog, and may file a petition in municipal court seeking a determination of whether or the dog is
10 dangerous or potentially dangerous, all in compliance with the Dangerous Dog Act.+]]

11 ~~C. Owning or Keeping Vicious Animals Prohibited. It shall be unlawful for any person to own, keep or harbor a~~
12 ~~vicious, dangerous, or ferocious animal in the town.~~ [+Municipal Court; Hearing. The municipal court shall be
13 deemed a court of competent jurisdiction to issue a warrant to seize a dangerous or potentially dangerous dog;
14 to hear a petition seeking a determination of whether a seized dog is dangerous or potentially dangerous; and
15 to otherwise enforce the Dangerous Dog Act for dogs located within the town limits.]]

16 ~~4. Keeping of Animals or Trained Animals Liable to Attack and Injure Human Beings or Other~~
17 ~~Animals Prohibited Unless Securely Kept. It shall be unlawful for any person to keep any animal~~
18 ~~or any trained animal liable to attack and injure human beings or other animals, unless such~~
19 ~~animals are securely kept so as to prevent injury to any persons or other animals. This section~~
20 ~~shall not apply to animals that are used by law enforcement for legitimate law enforcement~~
21 ~~purposes.~~]

22 ~~D. Repelling Attack by Animal. Any attack by any animal may be repelled by the use of reasonable force.~~ [Ord.
23 2007-10 § 15]

24 **6.05.160 Destruction of animals.** 

25 A. Request to Destroy or Turn Over ~~Vicious~~ [+Dangerous+] or [+Potentially+] Dangerous Animals. The
26 [+marshal, his duly authorized designee, including the+] animal control officer, ~~municipal police, or duly~~
27 ~~authorized designee~~ may request the owner or keeper of a ~~vicious~~ [+dangerous+] or [+potentially+] dangerous
28 animal [+dog or potentially dangerous or ferocious wild animal+] to destroy it humanely or turn such animal
29 over to the [+marshal, his duly authorized designee, including the+] animal control officer, ~~municipal police, or~~

1 ~~duly authorized designee~~ for humane destruction [+ , or other disposition as a court of competent jurisdiction
2 might direct+].

3 B. Failure or Refusal to Destroy or Turn Over ~~Vicious~~ [+Dangerous+] or [+Potentially+] Dangerous Animal.
4 Should the owner or keeper of the ~~vicious~~ [+dangerous+] or [+potentially+] dangerous animal [+dog+] [+or
5 potentially dangerous or ferocious wild animal+] fail or refuse to humanely destroy or turn the animal over to the
6 [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police, or duly
7 authorized designee~~, the [+marshal or his duly authorized designee, including the+] animal control officer,
8 ~~municipal police, or duly authorized designee~~ shall cause a complaint to be brought in municipal court against
9 such owner or keeper for failure or refusal to humanely destroy or turn the ~~vicious~~ [+dangerous+] or
10 [+potentially+] dangerous animal [+dog+] [+or potentially dangerous or ferocious wild animal+] over.

11 C. Animals Wounding, Injuring, or Killing Livestock or Other Animals in the Presence of the [+Marshal or his
12 Duly Authorized Designee, including the+] Animal Control Officer, ~~Municipal Police, or Duly Authorized
13 Designee~~. The [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal
14 police, or duly authorized designee~~ shall have the authority to destroy an animal if it is in the act of wounding,
15 injuring, or killing livestock or other animals or in the act of attacking a human being. There shall be no liability
16 on the [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police, or
17 duly authorized designee~~ in damages or otherwise for such destruction.

18 D. Animals Wounding, Injuring, or Killing Livestock or Other Animals Not in the Presence of the [+Marshal or
19 his Duly Authorized Designee, including the+] Animal Control Officer, ~~Municipal Police, or Duly Authorized
20 Designee~~.

21 1. Any person having knowledge that an animal has wounded, injured, or killed livestock or
22 other animals shall report this to the [+marshal or his duly authorized designee, including the+] animal control officer,
23 ~~municipal police, or duly authorized designee~~. Upon receiving such report or notice, the [+marshal or his duly authorized designee, including the+] animal control officer,
24 ~~municipal police, or duly authorized designee~~ having reason to believe that the animal did
25 wound, injure, or kill livestock or other animals shall impound such animal. A complaint shall
26 then be filed with the municipal court and a hearing shall then be had within a reasonable period
27 of time to determine whether the animal did wound, injure, or kill livestock or other animals.
28

29 2. Should the municipal court find that the animal in question did wound, injure, or kill livestock
30 or other animals, it shall order the [+marshal or his duly authorized designee, including the+]

1 animal control officer, ~~municipal police, or duly authorized designee~~ to have the animal
2 destroyed in a humane manner.

3 E. Destruction of Dogs or Cats Running in Packs. The [+marshal, his duly authorized designee, including the+]
4 animal control officer, ~~municipal police, or duly authorized designee~~ shall be authorized to destroy in a humane
5 manner any astray dogs or cats within the town which are running in packs and who are potentially dangerous
6 to humans, livestock, or other animals, as reasonably determined by the [+marshal or his duly authorized
7 designee, including the+] animal control officer, ~~municipal police, or duly authorized designee~~. [Ord. 2007-10
8 § 16]

9 **6.05.170 Housing of animals.** 

10 ~~Housing facilities for animals shall be structurally sound and constructed of nontoxic materials. Interior floors~~
11 ~~shall be smooth and easily cleanable and impervious to water. The premises shall be kept clean, sanitary and~~
12 ~~in good repair in a manner which will protect the animals from overcrowding, disease, and injury. Animals shall~~
13 ~~be provided the adequate space to allow each animal to turn about freely, to stand, sit, and lie in a comfortable,~~
14 ~~normal position, and to walk in a normal manner. Outside housing shall protect the animal from weather~~
15 ~~conditions (such as sunlight, rain, snow or cold or hot weather) that may be detrimental to the health of the~~
16 ~~animal. Animals maintained in pens, cages, or runs for periods exceeding 24 hours must be provided with~~
17 ~~adequate space for exercise for the comfort and health of the animal. Sufficient lighting shall be provided by~~
18 ~~either natural or artificial means. Disposal facilities shall be provided and operated so as to minimize vermin~~
19 ~~infestation, odors, and disease hazards. Animals shall be provided with sufficient fresh, clean and wholesome~~
20 ~~food and water. Food and water containers must be kept clean. Every animal kept in a kennel must be~~
21 ~~observed daily, and diseased or injured animals shall be provided with care from a licensed veterinarian.~~

22 [+A. Animal Well-being. A person owning or having care, custody, or control over an animal shall provide such
23 care and husbandry as to maintain the good health and well-being of the animal and shall:

- 24
- 25 1. Provide the animal with adequate amounts, and with adequate frequency, of fresh potable water
26 and wholesome food sufficient and appropriate for the species, life stage, and medical condition of
27 the animal.
 - 28 2. Provide the animal with adequate shelter consisting of a structurally sound, species appropriate,
29 weatherproof housing or enclosure with elevated flooring and proper ventilation, large enough to
30 accommodate the animal comfortably. In winter months, clean species appropriate bedding shall
31 be provided on the floor of the housing or enclosure for warmth.
 - 32 3. Provide the animal with adequate shade from direct sunlight in addition to the shelter referenced
33 above.
 - 34 4. Keep enclosures where the animal is maintained free of garbage, feces, and other debris that
35 might endanger the animal's health or safety. The owner or person having care, custody, or
36
 - 37
 - 38

1 control over animal, shall protect the animal from water and cleaning agents during the cleaning of
2 the animal's living area.
3

4 5. Keep enclosures where the animal is maintained free of insect infestation, including but not limited
5 to ant-hills, wasp nests, and flea, tick and maggot infestations.
6

7 6. Keep enclosures where the animal is maintained for periods exceeding twenty-four (24) hours with
8 adequate space to prevent overcrowding and to allow the animal to maintain normal exercise
9 according to the species. Such enclosures used to house or confine cats shall contain a regularly
10 cleaned and maintained litter box.
11

12 7. Provide the animal with professional veterinary care and necessary grooming so as to maintain
13 the animal's good health and protection from extreme weather elements and parasites.
14

15 8. Keep an animal dwelling unit no closer than one hundred (100) feet to any private water well or no
16 closer than two hundred (200) feet to any public water well.
17

18 B. Livestock Well-being. In addition to the requirements stated above under Section A, a person owing or
19 having care, custody, or control over a livestock animal shall also provide the following:
20

21 1. Running water facilities shall be provided within fifty (50) feet of each box stall and corral, and
22 each animal shall have access to fresh water in a clean container.
23

24 2. Clean feeding facilities or boxes shall be provided in each corral or box stall, and such facilities
25 shall be maintained accessible thereto by animals to be served thereby.
26

27 3. All areas adjacent to any pen, coop, stable, bar, corral; grazing, workout, or training areas; or
28 other building structures and areas where animals are kept and maintained, shall be graded to
29 drain water away from such facilities so as to prevent ponding and reduce insect harborage.
30

31 4. Such care and husbandry shall also include, but not be limited to, necessary hoof and teeth
32 care.+]
33

34 This section shall apply to all owners or keepers of animals in the town, including the general public, kennels,
35 guard dog operations, and hobby breeder operations.

36 [Ord. 2007-10 § 17]

37 **6.05.180 Wild animals.** 

38 ~~No person shall keep, harbor or maintain any poisonous reptiles, dangerous carnivorous wild animals, or~~
39 ~~dangerous or poisonous insects or arachnids, whether they are trained or not, without having first registered~~
40 ~~such reptiles, insects, arachnids, or other animals with the animal control officer, municipal police and duly~~
41 ~~authorized designee.~~ [+A. Wildlife, Wild and Exotic Animals. A person shall not possess, harbor, or keep any
42 wildlife, wild, or exotic animal of a species that in its natural life is potentially dangerous or ferocious. Such
43 animals, though they may be trained and domesticated, remain a danger to others and include:

- 1 1. Wolves, coyotes, foxes, dingoes, and other members of the non-domestic canine families
- 2 including, canine hybrids;
- 3 2. Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline
- 4 families, including feline hybrids;
- 5 3. All bears (Ursidae), including grizzly bears, black bears, brown bears, etc.
- 6 4. Raccoons (Procyonidae), including eastern raccoon, desert raccoons, ring tailed cat, coatimundi,
- 7 etc.;
- 8 5. Mustelids, other than the domestic ferret (*Mustela putorius furo*);
- 9 6. Primates (Hominidae), including all non-human great apes other than qualified service animals;
- 10 7. Skunks;
- 11 8. Bats;
- 12 9. Snakes, belonging to the families Elapidae, Viperidae, and Colubridae (twig snake, *Thelotornis*
- 13 *kirtlandii*; boomslang, *Dispholidus typus*; and keelbacks, *Rhabdophis*);
- 14 10. Lizards belonging to the family Helodermatidae (gila monsters, *Heloderma suspectum*, and
- 15 beaded lizards, *Heloderma horridum*);
- 16 11. Alligators, crocodiles, or caimans;
- 17 12. Venomous fish and piranha; and,
- 18 13. Any species of amphibian, snake, or reptile that is listed as threatened or endangered by the
- 19 federal or state government.

20 B. Exceptions. This section shall not apply to veterinary facilities, or individuals holding a state of New Mexico
21 Wildlife Rehabilitation or Educational Use Permit. [Ord. 2007-10 § 18]

22 **6.05.190 Service animals allowed in public places.**

23 It shall be unlawful for any person owning or maintaining any place or public accommodation, public
24 entertainment or amusement, restaurant, hotel, hospital, swimming pool, store, or theater, or who operates any
25 public transportation facility to exclude therefrom any [+qualified+] service animal as defined in MTC [6.05.030](#);
26 provided, that such [+qualified+] service animal be in the company of the person for whom it was trained to
27 assist. [Ord. 2007-10 § 19]

28 **6.05.200 Restraint of animals.**

29 ~~A. Penning on Premises. All persons owning or having charge, custody, care or control of any animal shall~~
30 ~~keep such animal properly and securely penned on his or her own premises.~~ [+Physical restraint. A person
31 owning or having charge, custody, or care over an animal shall keep the animal under humane physical

1 restraint at all times, excluding community cats.+] The determination of whether the dog is under the immediate
2 physical control of a person having custody thereof shall be determined by the [+marshal or his duly authorized
3 designee, including the+] animal control officer, ~~municipal police, or duly authorized designee~~, as to what he
4 believes to be reasonable under the circumstances. Any animal trespassing upon private or public premises
5 shall be deemed *prima facie* not to be under the immediate control of a competent person and shall be reported
6 for impounding to the [+marshal or his duly authorized designee, including the+] animal control officer,
7 ~~municipal police, or duly authorized designee.~~

8 ~~B. Leashed Dogs. Dogs shall be permitted on the streets or public places of the town only if they are secured~~
9 ~~on a leash not over eight feet in length, under the immediate physical control of the person having custody~~
10 ~~thereof.~~ Dragging; hobbling. A person shall not hobble an animal, or tether or attach any animal to any object
11 that can be dragged or moved by the animal. Such animal, if not otherwise restrained by a secure tether or
12 enclosure, shall be considered by the animal control officer to be unrestrained. This shall not apply to livestock
13 animals properly used for work purposes.

14 ~~C. Animals Not under Immediate Control. Any animal trespassing upon private or public premises shall be~~
15 ~~deemed prima facie not to be under the immediate control of a competent person and shall be reported for~~
16 ~~impounding to the animal control officer, municipal police, or duly authorized designee.~~ Owner's premises. A
17 person owning or having care, custody, or control over an animal on his or her premises shall restrain the
18 animal either by a secure enclosure or by immediate control.

19 1. All pens, kennels, stalls, corrals, or other enclosures used to restrain an animal shall be
20 continuously maintained with preservatives, fasteners, and other materials to prevent deterioration and
21 animal escape. Substantial and acceptable locking or latching devices shall be installed on all gates
22 and doors to animal enclosures in such a manner as to be inaccessible to animals and small children
23 in order to prevent animal escape or unauthorized entry.

24 2. A person owning or having care, custody, or control over a dog on his or her premises may use a
25 tether as a temporary means of restraint only.

26 a. A person shall not tether a dog to a stationary object for more than two (2) hours in any
27 twelve (12) hour period.

28 b. A person shall not tether a dog to a running line, pulley, or trolley system for more than four
29 (4) hours in any twelve (12) hour period.

1 c. A person shall not tether a dog in an unenclosed area where people or other animals are
2 able to wander in proximity of the tethered dog.

3 d. A tether used to restrain a dog shall be at least twelve (12) feet in length. Such tether shall
4 not enable the animal to reach beyond the owner's property.

5 e. A tether used to restrain a dog shall be affixed to a properly fitting collar or harness worn by
6 the dog.

7 f. A tether used to restrain a dog shall not weigh more than one-eighth (1/8) of the animal's
8 body weight. The tether weight shall include any additional objects attached to the dog or
9 tether, such as locks and fasteners.

10 g. A tether used to restrain a dog shall have working swivels on both ends and shall be
11 fastened so that the animal may sit, walk, and lie down using natural motions. Such tether
12 shall be unobstructed by objects that may cause the tether or animal to become entangled or
13 strangled.

14 h. In all cases, a tethered dog must be able to reach a container with water at all times.

15 3. Fences to be provided for a livestock enclosure shall be species appropriate. For use in conjunction
16 with stud stalls, such fences shall be maintained not less than six (6) feet in height.

17 4. A person owning or having care, custody, or control over a venomous reptile shall restrain the
18 animal to the owner's premises by a secure locked cage.

19 a. A cage used to restrain a venomous reptile shall feature labeling that clearly defines and
20 identifies the animal with the following information:

- 21 i. Common Name;
- 22 ii. Scientific Name; and
- 23 iii. Venomous Nature.

24 D. Public Premises. A person owning or having care, custody, or control over an animal off his or her premises
25 shall keep the animal under immediate control.

26 1. A leash used to restrain an animal shall be of suitable length as to enable the handler to maintain
27 control of the animal under specific circumstances.

1 2. A person shall not carry an animal in or upon any vehicle in a cruel, inhumane, or unsafe manner.
2 Animals carried in the open bed of a vehicle shall be crated or restrained upon a non-slick surface an
3 in a manner that prevents the animal from jumping out of the vehicle. In addition to all other
4 regulations in this section, animals should never be overcrowded when being transported. If the
5 animals are crated or kept in any enclosure, they may be allowed to share a crate but each animal
6 should be able to stand up, move around, lie down and stretch out naturally. If crates or enclosures
7 are stacked, they must be attached securely to prevent the crates or enclosures from falling or
8 turning over. If crates or other enclosures are stacked, it is important that no urine or feces are
9 passed between crates and enclosures. No animal shall be left in the open bed of a vehicle whether in
10 a crate or not when the weather is such that the animal will be exposed to extreme heat, cold or rain.

11 3. A person in charge of an amphibian or reptile away from the owner's premises shall keep the animal
12 secure within a closed container that will not expose people unexpectedly to the animal.

13 4. A person in charge of a venomous animal away from the owner's premises shall keep the animal
14 secured within a locked box clearly marked "Venomous Animal."

15 E. Property of Others. A person owning or having care, custody or control over an animal shall not detain or
16 restrain an animal upon another person's private property without having permission from the resident
17 or owner of such property.

18 1. If the resident or owner does not permit the animal being detained or restrained upon such property,
19 the animal may be taken up and impounded by the animal control officer at the request of the resident
20 or owner.

21 2. If the owner of a rented or leased property does not approved of an animal being restrained or
22 detained by the resident on such property, the dispute shall be regarded by the marshal or his
23 authorized designee as a civil matter.

24 F. Multiple Dwelling Unit. An owner, manager, agent or governing board of any multiple dwelling unit, including
25 mobile home parks and gated communities, shall not permit or authorize any animal to be unrestrained upon
26 the common areas of the multiple dwelling unit, except upon such areas and within such enclosures specifically
27 designed for such activity.

28 G. Exceptions.

1 1. A working dog that is under the control and supervision of the owner or handler performing such
2 acts such as herding, search and rescue, or police work shall not be considered unrestrained while
3 performing or being trained for such duties.

4 2. A hunting, tracking, or show dog that is under the control and supervision of the owner or handler
5 shall not be considered as unrestrained when performing in or being trained for those capacities. +]

6 ~~D. H. Dogs Not Allowed at Town Sponsored Events. Dogs shall not be allowed at town sponsored events. This~~
7 ~~restriction shall not apply to service animals as defined in MTC [6.05.030](#) or to animals which are authorized to~~
8 ~~participate in such events. [Ord. 2007-10 § 20]~~

9 **6.05.210 Penning female animals Nuisance prohibitions.** 

10 [+The following prohibitions are in addition to any other nuisances defined by this chapter.

11 A. Property Damage; Nuisance. A person owning or having care, custody, or control over an animal shall
12 prevent the animal from causing damage or being a nuisance to the person or property of another.

13 B. Females in estrus. A person owning or having care, custody, or control over ~~The owner of a female animal~~
14 ~~[+in estrus+]~~ shall ~~cause such animal when in season or in heat to be penned or enclosed during such period of~~
15 ~~time in a house, building or secure enclosure so that other animals are not attracted to the animal in a manner~~
16 ~~that will preclude occurrence of a public nuisance, but not tied. Such enclosure shall be constructed so that no~~
17 ~~other animals may gain access to the confined animal, except for intentional breeding purposes~~ confine the
18 animal in such a way that prevents the animal from becoming a nuisance.

19 C. Pet Waste. A person owning or having care, custody, or control over a pet such as a dog or cat shall
20 dispose of the waste from the animal in a watertight and fly tight receptacle, which shall be emptied frequently
21 and in such a manner so as to prevent a nuisance or a health hazard.

22 D. Livestock Waste. Waste from livestock shall be removed or spread at least once each week so as not to
23 constitute a nuisance. Additionally, all premises where livestock are kept shall be treated with approved
24 pesticides for the control of insects and rodents related to waste from livestock so as not to constitute a
25 nuisance.

26 E. Public Defecation. A person owning or having care, custody, or control over an animal shall not permit the
27 animal to defecate on or along any traveled portion of any highway or public way normally used by motor

1 vehicles, in any public park or on any public property, or the property of another, unless such waste is
2 immediately removed and disposed of properly.

3 F. Dust Control. All areas used as arenas for exercising, training or exhibition of livestock may be subject to
4 dampening via a sprinkler system when or if required by zoning provisions enacted by the Board of Trustees.

5 G. Feeding Animals Running at Large. A person shall not feed a dog or cat running at large. A community cat
6 may be fed.][Ord. 2007-10 § 21]

7 **6.05.220 Prohibited acts and conditions.** 

8 [+A. Interference with Animal Control.+] It shall be unlawful for any person to [+obstruct,+] hinder, resist, or
9 oppose the [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police,~~
10 ~~or duly authorized designee~~ in the performance of his or her duties or to secret any animal from him or her that
11 requires attention.

12 [+B. Found Animals. A person shall harbor, hold or retain possession of any animal for more than 24 hours
13 without first submitting a found animal report to the marshal's department. A person having possession of
14 such an animal shall immediately surrender the animal to the animal control officer upon request.

15 1. A person having possession of such an animal shall allow the animal to be scanned for
16 the presence of an identification microchip by the animal control officer immediately upon
17 request.

18 2. If the animal remains in the custody of the finder and the owner of such animal fails to
19 submit a missing animal report with the marshal's department within seventy-two (72) hours
20 following the submission of the found animal report, the finder may thereafter claim ownership
21 of the animal.

22 C. Pet Mill. No person shall keep or operate a pet mill.+] [Ord. 2007-10 § 22]

23 **6.05.230 Cruelty to animals prohibited.** 

24 A. ~~Killing or Beating Animals Prohibited.~~ [+Cruelty to Animals. A person shall not negligently mistreat, injure, kill
25 without lawful justification, or torment an animal, or abandon or fail to provide necessary sustenance to an
26 animal under that person's care, custody or control. Under this section, "lawful justification" means humanely
27 destroying a sick or injured animal or protecting a person or animal from death or injury due to an attack by
28 another animal. It shall be unlawful for any person to willfully or maliciously kill, destroy, maim, disfigure,
29 torture, beat with a stick, chain, club or other object, mutilate, burn, or scald with any substance, overdrive, or

1 otherwise cruelly set upon any animal; except, that reasonable force may be employed to drive off vicious,
2 dangerous, or trespassing animals. It shall be unlawful to poison dogs, cats, and other domesticated animals.

3 1. Felony Prosecution. Prosecution under this section shall be limited to first, second, or third
4 offenses. Fourth and subsequent offenses, and offenses involving extreme cruelty as defined under
5 state law, shall be prosecuted as a felony under NMSA 1978, Section 30-18-1, as amended.

6 B. Overworking Animals Prohibited. It shall be unlawful for any person to drive to work any animal cruelly when
7 such animal is unfit for labor.

8 C. Slaughtering Wild Animals Excepted. The slaughtering of animals for food or the killing of wild animals, such
9 as authorized by law, shall not be a violation of this section.

10 D. Duty to Provide Food and Shelter. It shall be unlawful for any person to fail, refuse or neglect to provide any
11 animal in his or her custody, as owner or otherwise, with proper food, drink, shade, shelter, care, medical
12 treatment or to carry any animal in or upon any vehicle in a cruel or inhumane manner, or to keep any animal
13 under unsanitary or unhealthy conditions.

14 [+E. Basic Grooming. All animals shall be groomed in accordance with this article as described by the definition
15 of basic grooming as applicable to the species. Basic grooming is necessary to maintain the eyes, ears, beaks,
16 hooves, feet and skin of an animal in healthy condition. Basic grooming includes making sure that the toenails
17 or hooves are not so long as to cause the animal not to be able to move normally or to cause pain to the
18 animal. Basic grooming also includes providing the animal with whatever the animal needs for self-grooming.
19 No animal shall be allowed to have a coat that is matted to the point that it becomes so heavy as to cause skin
20 irritation or trap fecal matter. The animal shall not be so dirty as to provide a home for parasites and insects. No
21 animal shall be allowed to have foreign objects imbedded in its skin, fur or hair other than an identification
22 microchip.+]

23 E F. Animals without Proper Care. Whenever the [+marshal or his duly authorized designee, including the+]
24 animal control officer, ~~municipal police, or duly authorized designee~~ finds that any animal is without proper care
25 because of injury, illness, [+severe thirst,+] confinement or voluntary absence of the owner or person
26 responsible for the care of such animal, the [+marshal or his duly authorized designee, including the+] animal
27 control officer, ~~municipal police, or duly authorized designee~~ may impound such animal for protective care. In
28 the event of sickness or injury of the animal, upon the advice of a licensed veterinarian, the [+marshal or his
29 duly authorized designee, including the+] animal control officer, ~~municipal police, or duly authorized designee~~

1 may take such action as called for to prevent undue pain and suffering, including immediate destruction of the
2 animal.

3 F G. Abandoning of Animal Prohibited. It shall be unlawful for any person to abandon any [+domesticated+]
4 animal in the town of Mesilla, except community cat caregivers, in the case of community cats.

5 G H. Discharging Firearms or Fireworks at Any Animal Prohibited. It shall be unlawful for any person to fire any
6 BB gun, firearm or firework in the vicinity of an animal unless used to repel an attack by an animal on a human
7 being, livestock or other animal or unless otherwise permitted pursuant to MTC [6.05.160](#)(C) and (E).

8 H I. Animals on Unenclosed Premises. It shall be unlawful for any person to stake out, graze, or herd any
9 animal upon any unenclosed private lot or parcel of land in a manner that such animal may be or go beyond the
10 boundary of such lot or land.

11 [+J. Sexual Abuse. It shall be unlawful for any person to take part in any sexual abuse of an animal. Nothing
12 herein shall prohibit a person from engaging in accepted veterinary practices, medical treatment by the owner
13 or with the owner's consent, or bona fide experimentation for scientific research.+]

14 K. Keeping of Infected or Painfully Crippled Animals. It shall be unlawful for any person to have, keep, or harbor
15 any animal which is known or believed to be infected with a dangerous or communicable disease or is painfully
16 crippled, wounded, or injured. All such animals shall be reported to the animal control officer, ~~municipal police,~~
17 ~~or duly authorized designee~~ who will make proper disposition of the animal. This section shall not be construed
18 to include veterinary hospitals in which animals are being treated.

19 [+1. Given probable cause, the animal control officer may require the owner to provide a letter of
20 health evaluation from a veterinarian describing the condition of the animal and the treatment provided
21 or recommended.

22 2. The animal control officer may evaluate the condition of an animal in order to determine probable
23 cause.

24 L. Vehicle Operator Responsibility. A person shall not intentionally strike any animal with any vehicle, self-
25 propelled or otherwise.

26 1. Any person who, as the operator of a motor vehicle, strikes any animal shall immediately report
27 such injury or death to the marshal, animal control officer, or municipal police.

1 ~~M. Performing Animal Exhibition; Circus. A performing animal exhibition or circus in which animals are induced~~
2 ~~or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner~~
3 ~~that will cause or is likely to cause physical injury or suffering shall not be permitted.~~

4 ~~1. All equipment on a performing animal shall fit properly and shall be in good working condition.~~

5 M. Performance of Duty. Nothing herein shall prohibit the marshal, animal control officer, ~~municipal police, or~~
6 ~~duly authorized designee~~ from using a tranquilizer gun, snare, net, net gun, trap or other similar devices to
7 humanely capture animals as reasonably necessarily for the control of such animals.

8 N. Storage and Utilization of Hunting Traps. It is unlawful to use or authorize the use of any steel-jawed
9 leghold trap or any other body-gripping trap to capture any animal, except as allowed by state hunting
10 authorities. Such devices shall be stored appropriately when not in lawful use as not to present undue hazard
11 or injury to domesticated animals or humans.

12 O. Hunting. Nothing herein shall prohibit a person from engaging in legal hunting practices as allowed by state
13 hunting authorities. [Ord. 2007-10 § 23]

14 **6.05.240 Permitted premises.** 

15 A. Permit Required.

16 1. ~~No person shall operate a kennel~~ [+residential or commercial multi-animal site+], guard dog
17 operation, ~~hobby breeder operation~~, apiary operation, arachnid operation, or insect operation
18 without a valid permit issued by the animal control officer, municipal police, or duly authorized
19 designee. Any person who operates or proposes to operate a residential or commercial multi-
20 animal site shall file an application for a permit with the animal control officer.

21 2. No person shall operate a ~~kennel~~ [+residential or commercial multi-animal site, or+] guard
22 dog operation ~~or hobby breeder operation~~ without also obtaining a valid business license issued
23 by the town pursuant to MTC Title 5, Business Taxes, Licenses and Regulations. A minimum
24 fine of \$250.00 will be assessed for any violations.+]

25 3. ~~A minimum fine of \$100.00 will be assessed for any violations~~ [+All applications for multi-
26 animal site permits must meet the following conditions:

- 1 a. An initial non-refundable fee, established by the Board of Trustees by resolution,
2 for residential or commercial multi-animal sites must accompany any
3 application to defray the cost of processing the request.
- 4 b. Commercial sites must also comply with the town business registration
5 requirements.
- 6 i. An annual commercial multi-animal site permit fee shall be established
7 by the Board of Trustees by resolution.
- 8 ii. Approval is required by the town zoning administrator and animal control
9 officer.
- 10 iii. All boarded animals three months of age or over must be vaccinated for
11 rabies.
- 12 c. All multi-animal residential site permits must be renewed annually at a fee
13 established by the Board of Trustees by resolution.
- 14 d. An application may be denied if the owner or responsible person shows a history of
15 noncompliance with this chapter as evidenced by two or more convictions of
16 violations of this chapter during the past year.
- 17 e. Multi-animal sites must comply with applicable zoning regulations. If any provision
18 of this section is in conflict with the provision of any applicable zoning regulation, the
19 provision of the zoning regulation shall control.
- 20 4. A multi-animal site permit may be revoked when, in the opinion of the zoning administrator, code
21 enforcement or animal control officer, any one or more of the following conditions exist:
- 22 a. The premises or enclosures are not maintained in a clean and sanitary condition
23 and are a health hazard or produce noxious odors.
- 24 b. The enclosures are unsafe.
- 25 c. The number of animals exceeds the number allowed on the permit.
- 26 B. [+Special Animal Permits.

1 1. Applications Generally. A person or organization who seeks to keep any animal requiring a special
2 animal permit shall file an application with the animal control officer describing the location of the site
3 and the purpose for which it is to be maintained. Veterinary hospitals and clinics shall be exempt from
4 this requirement. It shall be a condition of the issuance of any special animal permit that the permittee
5 consents to inspection of the premises at any time between the hours of 6:00 a.m. and 10:00 p.m. The
6 application permit fee shall be set by the Board of Trustees by resolution.

7 2. Application conditions. All applications for special animal permits required under this section must
8 meet the following conditions:

9 a. An initial non-refundable fee must accompany any application to defray the cost of
10 the request.

11 b. An application may be denied if the owner or responsible person shows a history of
12 noncompliance with this chapter as evidenced by two or more convictions of
13 violations of this chapter during the past year.

14 3. Revocation. A special animal permit may be revoked when, in the opinion of the zoning
15 administrator, code enforcement or animal control officer, any one or more of the following conditions
16 exist:

17 a. The premises or enclosures are not maintained in a clean and sanitary condition
18 and are a health hazard or produce noxious odors.

19 b. The enclosures are unsafe.

20 c. Containers for venomous snakes or lizards are not clearly labeled and locked.

21 4. Restrictions. The keeping of any permit-required species not allowed under the provisions of the
22 existing special animal permit.

23 a. Outdoor Rehabilitation Aviary. A special permit is required by any person to keep
24 or maintain an outdoor rehabilitation aviary. The animal control officer will not issue
25 this special permit without proof of a license issued by the federal government and
26 the New Mexico Department of Game and Fish.

1 b. Birds of Prey. A special permit is required by any person to keep or maintain a bird
2 of prey. The animal control officer will not issue this special permit without proof of a
3 license issued by the federal government and the New Mexico Department of Game
4 and Fish.

5 c. Threatened or Endangered Amphibian, Snake, or Reptile. Federal and state
6 permits are required for any person to keep or maintain any species of amphibian,
7 snake or reptile that is listed as threated or endangered by the federal government or
8 the state.

9 d. Certain Snakes. A special permit is required for any person to keep or maintain
10 any snakes of the families Elapidae and Viperidae, or the three genera within the
11 family Colubridae (Thelotornis kirtlandii, the twig snake; Dispholidus typus,
12 boomsplang; and Rhabdophis, keelbacks). The animal control officer will not issue
13 this special permit until the appropriate federal and state permits are acquired.

14 e. Pigeons. Fancy pigeons, racing pigeons and sporting pigeons may be kept
15 pursuant to a special permit, provided that structures utilized as lofts shall be
16 maintained in a sanitary condition, and in compliance with all applicable health
17 regulations. The maintaining of undomesticated pigeons is prohibited within town
18 limits.

19 i. Fancy pigeons are those which, through past breeding, has developed
20 certain distinctive physical and performing characteristics as to be clearly
21 identified and accepted as such by the National Pigeon Association, the
22 American Pigeon Club, or the Rare Breeds Pigeon Club. Examples include
23 fantails, pouters, and trumpeters.

24 ii. Racing pigeons are those members of the family Columbidae which,
25 through selective past breeding, has developed the distinctive physical and
26 mental characteristics as to enable it to return to its home after being
27 released a considerable distance therefrom, and which is accepted as such
28 by the American Racing Pigeon Union, Inc., or the International Federation
29 of Racing Pigeon Union, Inc., or the International Federation of Racing

1 Pigeon Fanciers. Examples include the racing homer, homing pigeon, or
2 carrier pigeon.

3 iii. Before issuance of a special permit for the keeping of pigeons, the owner
4 must demonstrate that he is a member in good standing of the following:
5 The American Racing Pigeon Union, Inc., the International Federation of
6 Racing Pigeon Fanciers, the National Pigeon Association; the American
7 Tippler Society; the International Roller Association; or the Rare Breeds
8 Club, as such clubs have rules that help preserve the peace and tranquility
9 of the neighborhood. Membership must be renewed on an annual, or as
10 required, basis in order to maintain the special permit.+]]

11 C. Permit Applications. Persons who wish to apply for a permit shall file using forms provided by the animal
12 control officer, municipal police, or duly authorized designee. The application shall require information sufficient
13 to assure the [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police,~~
14 ~~or duly authorized designee~~ that the applicant and facilities are adequate, in compliance with MTC [6.05.170](#), to
15 care for the animals in a manner that protects the public and the animals and located in an area zoned by the
16 town for such proposed use or facilities in compliance with the regulations set out in MTC Title [18](#), Zoning.

17 D. Permit Requirement[+s; Transfer+]. No permit is transferable from one person or place to another person or
18 place. A valid permit shall be posted in a conspicuous place at each permitted premises. A permit holder shall
19 notify the [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police,~~
20 ~~duly authorized designee~~ of any changes in operations which may affect the status of the permit and shall keep
21 the [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police,~~ or ~~duly~~
22 ~~authorized designee~~ informed of any changes in name, address, or home and business telephone numbers.
23 Both the person in charge of the permitted premises and the owner of the permitted premises shall be
24 responsible for complying with this section. At each permitted premises, a current record shall be kept which
25 describes all animals owned, purchased or received after the date of issuance of the permit.

26 An application for renewal must be accompanied by a current certificate of inspection issued by the [+marshal
27 or his duly authorized designee, including the+] animal control officer, ~~municipal police,~~ or ~~duly authorized~~
28 ~~designee~~ and shall be filed with the animal control officer, municipal police or duly authorized designee at least
29 ~~30~~ [+thirty (30)+] days but no more than ~~60~~ [+sixty (60)+] days before the date of expiration. Failure to renew
30 the permit as specified shall result in the expiration of the permit or in the assessment of a late fee of ~~\$10.00~~

1 [+in accordance with a schedule adopted by the Board of Trustees by resolution+] for each day in violation after
2 the date of expiration[+,+] in addition to the cost of renewing the permit.

3 The application shall require information sufficient to assure the [+marshal or his duly authorized designee,
4 including the+] animal control officer, ~~municipal police, or duly authorized designee~~ that the applicant and
5 facilities are adequate, in compliance with MTC [6.05.170](#), to care for the animals in a manner that protects the
6 public and the animals and located in an area zoned by the town for such proposed use or facilities in
7 compliance with the regulations set out in MTC Title [18](#), Zoning.

8 D. E. Facilities and Care Applicable to ~~Kennels~~ [+Residential or Commercial Multi-Animal Sites+], Guard Dog
9 Operations, ~~Hobby Breeder Operations~~, Arachnid Operations, and Insect Operations. Housing facilities for
10 animals applicable to ~~kennels~~ [+residential or commercial multi-animal sites+], guard dog operations, ~~hobby~~
11 ~~breeder operations~~, arachnid operations, or insect operations shall be constructed, repaired and maintained in
12 compliance with MTC [6.05.170](#) and MTC Title [15](#), Buildings and Construction.

13 E. F. Access to Permitted Premises. The [+marshal or his duly authorized designee, including the+] animal
14 control officer, ~~municipal police, or duly authorized designee~~ shall be allowed to enter the premises following
15 notification to the permit holder or applicant for the purpose of inspection prior to issuance of a permit, renewal
16 of a permit, or for investigation of a complaint.

17 F. G. Suspensions and Revocations of Permits. When the [+marshal or his marshal or his duly authorized
18 designee, including the+] animal control officer, ~~municipal police, or duly authorized designee~~ discovers that a
19 permitted premises is in violation of this section or MTC Title [5](#), Business Taxes, Licenses and Regulations,
20 MTC Title [15](#), Buildings and Construction, or MTC Title [18](#), Zoning, he or she shall give written notice of this
21 violation to the permit holder, operator, owner or person in charge by means of an inspection report or other
22 written notice. The notification shall state that failure to comply with the provisions of this section may result in
23 immediate suspension or revocation of the permit. Permits may be suspended for 30 days to allow the permit
24 holder to comply with the requirements of this section or other applicable laws, ordinances or regulations. A
25 permit shall be surrendered to the [+marshal or his duly authorized designee, including the+] animal control
26 officer, ~~municipal police, or duly authorized designee~~ upon suspension or revocation. A person whose permit
27 has been suspended may apply for an inspection of the premises for the purpose of reinstating the permit by
28 filing an additional application for a permit on a form required by the [+marshal or his marshal or his duly
29 authorized designee designee, including the+] animal control officer, ~~municipal police, or duly authorized~~
30 ~~designee~~. Within five business days after the application is received by the animal control officer, municipal
31 police, or duly authorized designee, he or she shall conduct an inspection of the premises proposed to be

1 permitted or re-permitted. If the applicant and the site are in compliance with all the applicable requirements of
2 this section and all other applicable laws, regulations, and ordinances, the permit shall be reinstated.

3 ~~G.~~ H. Guard Dog Operation. A person who wishes to conduct a guard dog operation or business shall first
4 obtain a guard dog permit in accordance with this section and shall be subject to any and all other requirements
5 therein applicable. In addition to the facilities and care standard requirements of permitted premises set forth in
6 this section, the area where the guard dog is housed while not on duty shall be secured in a manner which will
7 prevent their escape. The off-duty housing area shall be kept locked when not in use. Premises where guard
8 dogs are on duty or in use shall be posted with warning signs at least 42 [+twelve (12)+] inches long on each
9 side. The warning sign shall state "Guard Dog" or "Guardian" and shall show a picture of an aggressive dog.
10 The warning signs shall be posted not more than 200 feet apart on the exterior of the fences or walls
11 surrounding the site where such guard dogs are on duty or in use, and shall be posted at the exterior corners of
12 said site and every entrance of said site. Further:

13 [+1. A dog shall not be used to guard residential property.

14 2. The permit application shall include sufficient information to identify the name and address of the
15 owner of the commercial property, the name and address of the owner of the guard dog, and the
16 location intended to be guarded by the guard dog.

17 3. The permit applicant must submit to a pre-permit inspection of the premises by the animal control
18 officer, so that an accurate physical description of the animal may be obtained.

19 4. Prior to obtaining the permit, the permit applicant shall obtain liability insurance with an insurer
20 authorized to write liability insurance in this state providing coverage in each occurrence, subject to a
21 limit, exclusive of interests and costs, of not less than one hundred thousand (\$100,000) for damage or
22 bodily injury to or death of a person caused by the guard dog.

23 5. Vehicles used to transport a guard dog and vehicles being protected by a guard dog shall be
24 secured so the public is protected from injury. The vehicle shall be constructed or modified to ensure
25 that the guard dog is transported in a safe, humane manner. The vehicle shall be conspicuously
26 posted with guard dog signs on both sides of the vehicle.+]]

27 H. I. Apiary Operations, Arachnid Operations, and/or Insect Operations. A person who wishes to conduct an
28 apiary operation, arachnid operation, and/or insect operation or business shall first obtain a permit from the
29 [+marshal or his duly authorized designee, including the+] animal control officer, ~~municipal police, or duly~~

1 ~~authorized designee~~. To qualify for such a permit, the person must demonstrate in the form of certification,
2 training, or education to the marshal or his duly authorized designee, including the animal control officer,
3 ~~municipal police, or duly authorized designee~~ that such person or his or her agents or representatives have the
4 requisite or necessary knowledge, skill, or experience for the identification and handling or controlling of such
5 animals. [+A permitted individual or other person maintaining an apiary must comply with all provisions of the
6 New Mexico Bee Act, NMSA 1978, Chapter 76, including any rules and regulations promulgated by the New
7 Mexico Department of Agriculture, if applicable.

8 1. Abandoned Hives. Any hive or comparable apparatus that is not occupied by a live bee colony,
9 and that is accessible to bees, is hereby declared a public nuisance. The hive or apparatus shall be
10 subject to abatement.

11 2. Africanized Bees. If the marshal determines that the presence of Africanized or overly defensive
12 honey bees in a hive is a public nuisance or if Africanized or overly defensive honey bees from a hive
13 are entering land other than the land upon which the hive is located so as to endanger the public
14 health, safety, or welfare or so as to create an unreasonable interference with the use of the property
15 of others, the marshal or his duly authorized designee may take any action necessary to abate the
16 public nuisance, including, but not limited to, moving, selling, destroying, or otherwise disposing of the
17 infested hive as he might direct.+]]

18 I. J. Exceptions to Permitted Premises. The following are not required to obtain a permit under this section but
19 shall remain subject to the regulations set out in MTC Title 5, Business Taxes, Licenses and Regulations, MTC
20 Title 15, Buildings and ~~Construction~~ [+Construction+], and MTC Title 18, Zoning:

- 21 1. A veterinarian hospital or clinic operated by a licensed veterinarian.
- 22 2. A bona fide research institution, using animals for research.
- 23 3. A publicly owned animal control center or shelter. [Ord. 2007-10 § 24]
- 24

25 **6.05.250 Violation – Penalty.** 

26 A. Any person who shall violate any provisions of this chapter shall be deemed guilty of a misdemeanor and,
27 upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisonment for not more
28 than 90 days or both. Each day of a violation shall be considered a separate offense.

1 B. Citations may be issued to the custodian or owner of the animal in violation. The impounding fee shall be
2 \$25.00- [+based on a schedule adopted by the Board of Trustees for resolution -for the first impoundment
3 within a 12-month period, \$50.00 [+ \$75.00+] upon a second impoundment within the same 12-month period,
4 \$75.00 [+ \$150.00+] upon the third impoundment within the same 12-month period, and \$300.00 upon every
5 impoundment after the third impoundment within the same 12-month period. The fee for an animal with no
6 license tag shall be based on a schedule adopted by the Board of Trustees by resolution.+]

7 C. It shall be the duty of any person who is the owner or the keeper of any vicious or dangerous [+dangerous or
8 potentially dangerous dog, or potentially dangerous or ferocious wild+] animal, the keeping of which is unlawful,
9 to cause such animal to be destroyed[+, or other disposition as a court of competent jurisdiction might direct,+]
10 in accordance with MTC [6.05.160](#). Failure to comply with this section shall subject such owner or keeper to a
11 minimum fine of \$40.00 [+ \$100.00+] plus costs. Each day's failure to comply shall be considered a separate
12 offense. [Ord. 2007-10 § 25]

13 **Section 2. Severability**

14 Should any section, clause or provision of this ordinance, for any reason, be held invalid or
15 unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision
16 shall not affect any of the remaining provision of this ordinance.

17 **Section 3. Repealer**

18 All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby
19 repealed to the extent only of such inconsistency. This repealer shall not be construed to revive
20 any ordinance or resolution.
21

22 **Section 4. Effective Date**

23 This ordinance shall be in full force and effect, five (5) days after this approval, adoption and
24 publication as provided by law.
25
26
27

1 PASSED, ADOPTED AND APPROVED this 25th day of March 2019.

2

3

4

Mayor

5

Town of Mesilla

6

7

8 ATTEST:

9

10 By: _____

11 Town Clerk/Treasurer

12

13

14



RESOLUTION NO. 2019-01

**A RESOLUTION ESTABLISHING AN ANIMAL CONTROL ORDINANCE
SCHEDULE OF FINES, FEES AND PENALTIES
PER MESILLA TOWN CODE 6.05 ANIMAL CONTROL**

WHEREAS, the Board of Trustees of the Town of Mesilla asserts local control for the regulation of dogs and domestic animals, as provided by New Mexico state statutes; and

WHEREAS, the Board of Trustees of the Town of Mesilla has codified its regulation in the Mesilla Town Code within the Animal Control Ordinance; and

WHEREAS, the Board of Trustees of the Town of Mesilla wishes to establish and promulgate a schedule of fines, fees and penalties related to the Animal Control Ordinance; and

WHEREAS, such a schedule will improve the efficiency of making needful changes to reflect economic realities to benefit the community and animal welfare;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mesilla that this Resolution shall provide for the adoption of the following fines, fees and penalties, as follows:

Sterilized (spayed/neutered) dog or cat license	\$7.00/year
Fertile/intact (unaltered) dog or cat license	\$50.00/year
Senior discount (altered dog/cat with photo ID)	\$5.00/year
Military veteran discount (altered dog/cat with photo ID/proof of status)	\$5.00/year
No license tag fee	\$5.00
Replacement license tag	\$5.00
Microchip fee	\$10.00
Litter fee	\$50.00/litter
Multi-animal residential site permit	\$50.00/year
Multi-animal commercial site permit	\$100.00/year
Guard dog permit	\$100.00/year
Apiary/arachnid/insect operation permit	\$100.00/year
Special animal permit application fee	\$25.00
Special animal permit	\$100.00/year
Permit late fee assessment	\$25.00/day
Marshal's department kennel, care and maintenance fee	\$25.00/day,partial day
Outside agency kennel, care and maintenance fee	Actual costs
Veterinarian expenses – recovery of costs incurred by the marshal	Actual costs
Humane euthanasia (if available/approved by marshal)	\$25.00
Deceased removal from private property (if available/approved by marshal)	\$25.00

PASSED BY THE BOARD OF TRUSTEES this 25th day of March 2019.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoechner-Hernandez
Clerk-Treasurer



TOWN OF MESILLA BOARD ACTION FORM

ITEM:

APPOINTMENT OF A MAYOR PRO-TEM TO SERVE FOR ONE YEAR PURSUANT TO MTC
2.15.060

BACKGROUND:

Per MTC 2.15.060. The Board must agree upon and approve a Mayor Pro-tem to serve for one year.

BOT ACTION:

Approve
Approve with changes
Deny

Reviewed by: Cynthia S-Hernandez

Town Clerk/Treasurer

Email: cynthias-h@mesillanm.gov

LISTING OF APPOINTMENTS & COMMITTEES		
	Term (yrs.)	Expires
MAYOR PRO TEM		
	1	3/23/2020
Southwestern Area Workforce Development Board		
Carlos Arazabal	2	3/23/2020
Nora L. Barraza (Alternate)	2	3/23/2020
SCCOG		
Nora L. Barraza	2	3/23/2020
Carlos Arzabal (Alternate)	2	3/23/2020
Lower Rio Grande Water Users Org.		
Jesus Caro	2	3/23/2020
Rod McGillivray	2	3/23/2020
Metropolitan Planning Organization		
Nora L. Barraza	2	3/23/2020
Stephanie Johnson-Burick	2	3/23/2020
Veronica Garcia	2	3/23/2020
South Central RTD		
Nora Barraza	2	3/23/2020
Veronica Garcia (Alternate)	2	3/23/2020
MPO Technical Advisory Committee		
Larry Shannon	2	3/23/2020
Rod McGillivray	2	3/23/2020
Sean Lucero	2	3/23/2020
MVMPO Bicycle Committee		
Ashleigh Curry	2	3/23/2020
Lance Shepan	2	3/23/2020

Updated:

3/20/2019

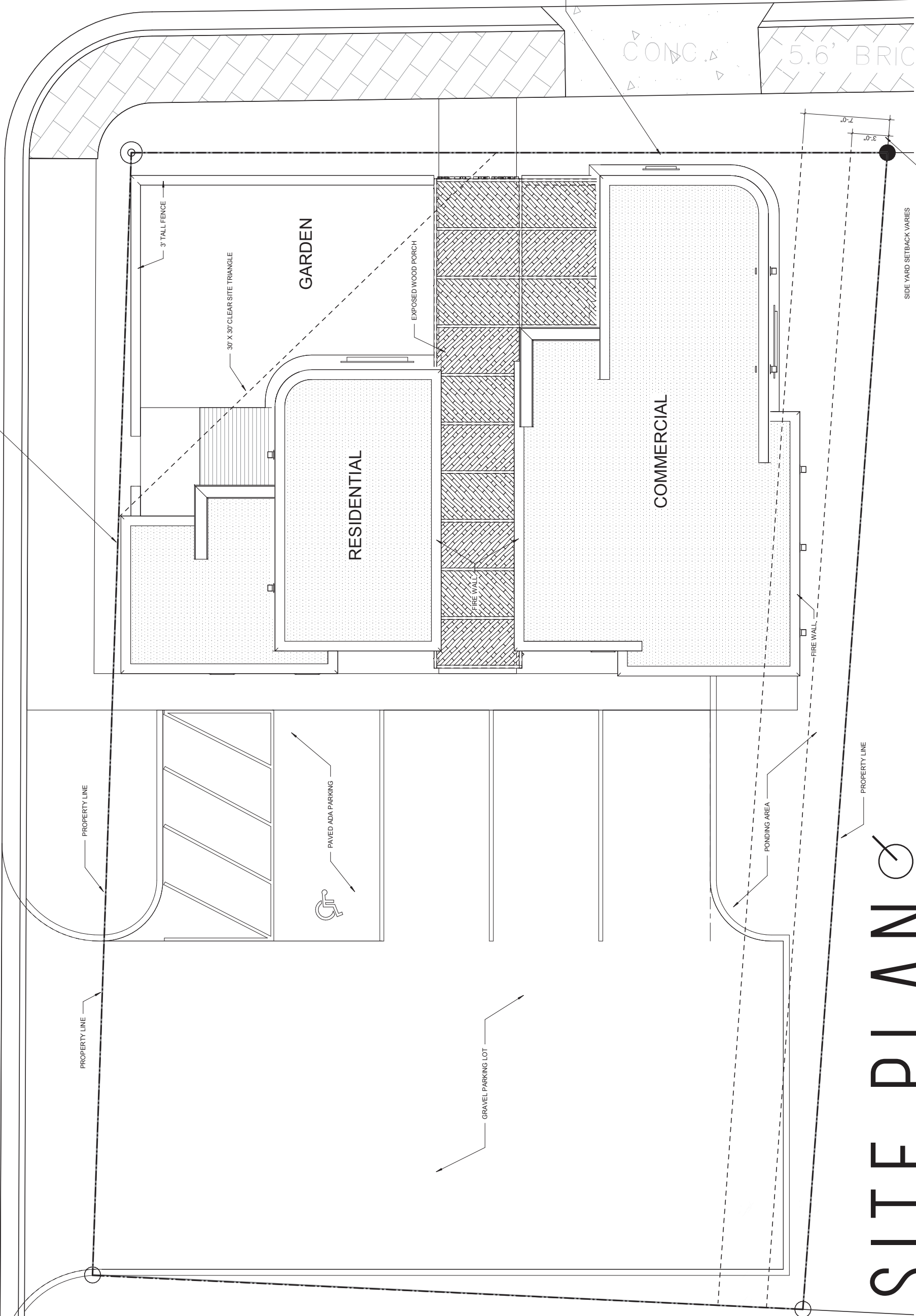
CALLE DE CORREO

AVENIDA DE MESILLA



0'-0" SETBACK FOR FRONT YARD SETBACK PERMITTED (SIMILAR SETBACK USED BY EXISTING BUILDINGS IN THE BLOCK/AREA)

0'-0" SETBACK FOR FRONT YARD SETBACK PERMITTED (SIMILAR SETBACK USED BY EXISTING BUILDINGS IN THE BLOCK/AREA)



SITE PLAN

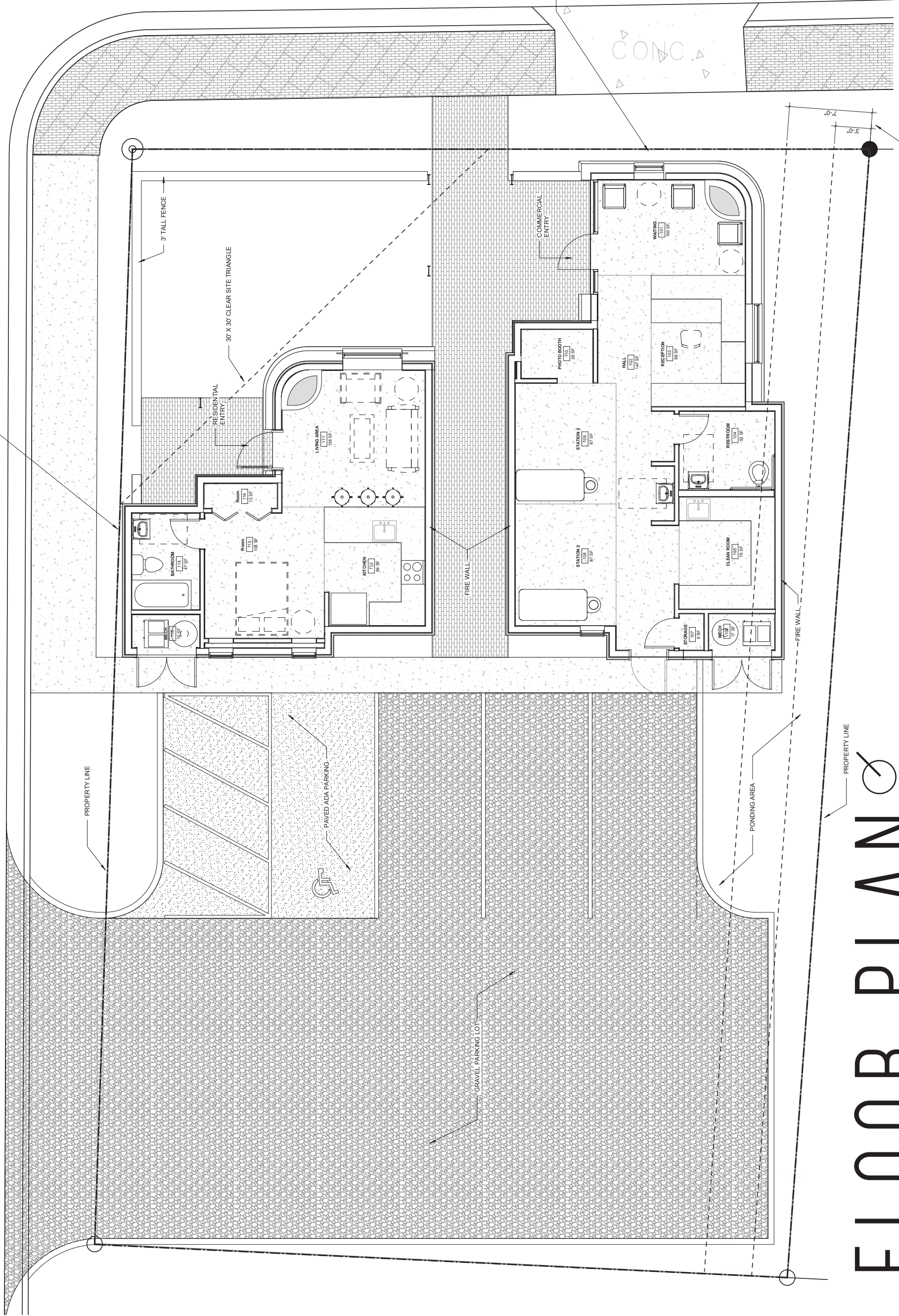
1/8" = 1'



AVENIDA DE MESILLA

0'-0" SETBACK FOR FRONT YARD SETBACK PERMITTED (SIMILAR SETBACK USED BY EXISTING BUILDINGS IN THE BLOCK/AREA)

CALLE DE CORREO



0'-0" SETBACK FOR FRONT YARD SETBACK PERMITTED (SIMILAR SETBACK USED BY EXISTING BUILDINGS IN THE BLOCK/AREA)

SIDE YARD SETBACK VARIES 3'-0" TO 7'-0" (FIRE WALLS WHERE SETBACK IS LESS THAN 7')



FLOOR PLAN

1/8" = 1'

ARCHITECTURAL STYLES AND STANDARDS

18.33.170 Appendix A – Design standards with compliance checklist for the following architectural styles:

Spanish Pueblo, Territorial, Spanish Mission, Northern New Mexico and Ranch Style.

Each style and its design standards with compliance checklist are listed below with instructions for completing the checklist. The styles appear on separate pages for ease in copying for individual use.

SPANISH PUEBLO

Design standards with compliance checklist for the Spanish Pueblo architectural style.

When completing a checklist, applicants shall circle all the components within individual items that apply to their application and annotate their responses as needed. If a component is not required and does not apply to the application, it should be marked "n/a."

A "1" in parentheses after a component indicates that staff will figure an appropriate range for proportion or size, location or number, etc., based on the development zone of the structure. Drawings and photographs to further illustrate components are available in the community development office.

COMPLIANCE

YES NO

Design Components

Building Height: One or two stories, to be determined by development zone.

Setback: For commercial usage, can be built to property line;

for residential, meets prevailing setback in the development zone.

Proportion, relationship of height to length: Buildings are long and low (1).

In the case of a two-story application of this style, the second level occurs over only a portion of the lower level.

The overall proportion of the building is dependent in part on the height of the firewall or parapet which is a continuation of the exterior walls extending beyond the roof line on three or more sides (1).

Walls, historically, are reduced in thickness towards the top to form a battered silhouette.

Portales or porches, if used, create a lower profile than the basic building (1).

The character of the building's shapes is rounded or softened without sharp lines.

Pattern and Rhythm

Solid wall space is greater in any facade than window and door space combined (1).

Window and door openings are small and randomly, not symmetrically, placed on the facades.

Window heights from grade are uneven.

Canales, or drainspouts, pierce the parapet and are spaced in an uneven pattern as required for drainage.

SPANISH PUEBLO (CON'T.)

Roof Type

Flat with a slight slope for drainage.

Parapet or firewall: roofs are surrounded on at least three sides by a parapet or firewall.

Surface Texture of Walls

Mud plaster. Hard plaster, smoothly applied, is acceptable.

Color

Exterior walls must be of a same single color. Acceptable colors are those of natural adobe, ranging from a light earth color to a dark earth color. Flat white is also acceptable. (See color charts)

The protected space under portales may be painted white or a contrasting color or a mural may be used.

Site Utilization

Follows development zone. Historically, examples of this style are seen most often in a rural setting or with setbacks if sited in an urban location.

Projections and Cavities

Historically, windows are usually deep set defining, from the exterior, the wall thickness.

Wall heights vary according to room shapes or additions.

Buttresses, fireplace outlines and chimneys are massive and important facade elements.

Vigas, or beams, round or rectilinear, sometimes project through exterior walls or are sometimes cut flush with the unplastered adobe walls and plastered over for protection.

Architectural Details

Wood trim is minimal around window and door openings with a rounding of the wall creating a transition from wall surface to window surface.

Canales are built up of saw timber, hollowed out from logs, or sheet metal bent to shape, or ceramic pipe sections or other materials as long as they are encased in one of the above materials.

Lintels above windows and door openings are exposed wood.

Portales or covered porches, either inset or projecting, have posts of round logs capped with a corbel and square beams.

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CORRUGATED METAL - S PROFILE - SILVER HAS ALSO BEEN USED AS AN EXTERIOR FINISH TO ADD CONTRAST

THE SITE WILL HOUSE BOTH COMMERCIAL AND RESIDENTIAL USES

THE DEPTH OF FRONT-AGE WALLS HAS BEEN INCREASED TO CREATE ILLUSION OF THICK WALLS

VIGAS OR BEAMS DO NOT PENETRATE EXTERIOR

A CONTEMPORARY APPROACH HAS BEEN USED FOR THE PORCH STRUCTURE. STEEL COLUMNS AND BEAMS SUPPORT EXPOSED WOOD PURLINS

SPANISH PUEBLO STYLE

DESIGN COMPONENT CHECKLIST



RESOLUTION NO. 2019-03

**A RESOLUTION DECLARING AN EMERGENCY OF THE WATER SYSTEM
FOR REPAIRS TO BE COMPLETED IN THE RAASAF HILLS AREA**

WHEREAS the Town of Mesilla is responsible for providing water in the Raasaf Hills area;

WHEREAS, Mesilla has a duty to provide reliable water services to the customers in the Raasaf Hills Area and Mesilla residents, and

WHEREAS, in January 2019, Town of Mesilla found that the clay pressure reducing valve is deteriorating; and

WHEREAS, further investigation has found that the shut off valves in the area have eroded and cannot be shut off to isolate the issue causing residents to lose water pressure and water intermittently;

WHEREAS, further deterioration of this line will cause detrimental consequences for the health and safety of the people and environment; and

WHEREAS, the governing body of the Town of Mesilla declares this problem an emergency; and

WHEREAS, Town of Mesilla shall initiate repairs to said line, and

WHEREAS, Town of Mesilla shall also seek funding through available grants or loans by federal, state and local agencies for the remediation of the water line.

NOW THEREFORE, BE IT RESOLVED on this 25th day of March 2019 that;

In order to address the potential of hazards to human health and safety and to the environment, the Town of Mesilla is seeking financial and technical assistance through programs made available by federal, state, and local entities for the remediation of the pressure reducing valves and eroded valves.

PASSED, APPROVED AND ADOPTED this 25th day of March 2019.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stohner-Hernandez
Town Clerk-Treasurer